

THE OFFICE OF SECRETARY OF STATE

STATE OF GEORGIA

IN THE MATTER OF:
STATE ELECTION BOARD HEARING

GEORGIA STATE CAPITOL BUILDING
ROOM 341
ATLANTA, GEORGIA 30334

APRIL 17, 2019
9:00 A.M.

PRESIDING OFFICER: BRAD RAFFENSPERGER
SECRETARY OF STATE

MARY K MCMAHAN, CCR, 2757
STEVEN RAY GREEN COURT REPORTING LLC
1579 MONROE DRIVE, NE
SUITE F, NUMBER 614
ATLANTA, GEORGIA 30324
(404) 733-6070

APPEARANCE OF THE PANEL FROM LEFT TO RIGHT

Anh Le

Rebecca Sullivan, vice chair

Secretary of State Brad Raffensperger, chair

David J. Worley

Seth Harp

ALSO PRESENT IN ORDER OF PRESENTATION

Russell Lewis, Chief Investigator Secretary of State
Investigations Division

Frances Watson, Deputy Chief Investigator Secretary of
State Investigations Division

Russell Willard, Senior Assistant, Attorney General's
Office

Transcript Legend

(sic) - Exactly as said.

(ph.) - Exact spelling unknown.

-- Break in speech continuity.

. . . Indicates halting speech, unfinished sentence
or omission of word(s) when reading.

Quoted material is typed as spoken.

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P R O C E E D I N G S

MR. RAFFENSPERGER: Good morning,
everyone. Welcome to the State Election Board
meeting. I'd like to call the meeting to order. And
the first thing I'd like to do is have the invocation
and call on Senator Seth Harp to open us up with the
invocation.

(Invocation)
(Pledge of Allegiance)

MR. RAFFENSPERGER: Well, before we get
started, I would like to have a few introductions.
For some of us this is our first meeting.

My name is Brad Raffensperger. I'm the
secretary of state. I'll be chairing the meeting this
morning.

For those of you who have never been to
one of these meetings, to my far left is Senator Seth
Harp from Columbus, Georgia who has been a board
member of the state election board for several years.

And to my immediate left is David
Worley who's been a member for several years.

And to my right is our vice chair,
Rebecca Sullivan.

And then to my far right is our newest
member, Anh Le. Anh has a tremendous history and

1 we're excited that she joins us as a new member. She
2 was previously the deputy general counsel and
3 assistant elections director for the secretary of
4 state's office, so she brings experience to this
5 board. Instead of sitting where you all are sitting,
6 she's now up here. She understands how this works and
7 we're just looking forward to Anh working with us.

8 So welcome aboard.

9 Before we move into the agenda, I would
10 like to remember Anne Lewis. She passed away two days
11 ago. Her visitation was last night and the service
12 will be today. Anne was one of the stalwart -- she
13 was an icon in the whole area of election law. And
14 obviously she was a Republican and, you know, then we
15 have other folks from the other side of the aisle, but
16 I think both sides of the aisle would say that she was
17 a consummate professional and Georgia has benefited
18 from her work.

19 And she leaves behind her husband, Brad
20 Lewis, and two boys, Kyle and Kevin. It is very sad
21 that she has left us. We're very grateful for her
22 contributions to society. Much as she was a
23 tremendous attorney and tremendous public advocate,
24 she was a wife and she was a mom and she was a friend
25 to all of her friends that she had.

1 So we miss her, Godspeed and God bless
2 her soul. Thank you.

3 I'd like to -- we have before us --
4 Members, we have the approval -- we have the minutes
5 before you and hopefully you'll have had a chance to
6 review those. We have the meeting minutes from
7 September 11th, October 26th, and November 11, 2018.

8 Has everyone had a chance to review
9 those? Does anyone have any changes, additions they
10 would like to make? Or do we have a motion?

11 **MS. SULLIVAN:** I'll move that the
12 minutes be approved.

13 **MR. RAFFENSPERGER:** Second?

14 **MR. WORLEY:** Second.

15 **MR. RAFFENSPERGER:** All those in favor?

16

17 **THE BOARD MEMBERS:** Aye.

18 **MR. RAFFENSPERGER:** Motion carries.

19 Earlier one of our folks reached out to
20 you and said if you have public comments, to put your
21 name on a small card and that if you're going to be --
22 if you have a case before us, to fill out a sheet of
23 paper. If you haven't done that yet and you would
24 like to have a public comment, I don't know where that
25 paper is -- it's over there (indicating). Kevin has

1 that, but please reach out to him.

2 I guess right now then if there's -- on
3 public comments, if you needed this meeting --
4 typically to be opened up, you have two minutes and
5 keep your comments to what you would like to say. Two
6 minutes goes by quick. I was on the city council for
7 several years and I knew we had to be concise with
8 what we had to say.

9 If those people that have any comments
10 would like to come up, and we're going to make those
11 comments from this mic or that mic (indicating).

12 And do we have anyone that wants to
13 make comments? Do we have an order?

14 Our first person for public comment is
15 George Balbona.

16 **MR. BALBONA:** Could I request to go
17 last? I just have a lot to deal with and I want make
18 sure I get everything.

19 **MR. RAFFENSPERGER:** Sure.

20 **MR. BALBONA:** Thank you.

21 **MR. RAFFENSPERGER:** Next would be Wanda
22 Mosley if she's here.

23 Wanda Mosley, are you here?

24 **UNIDENTIFIED:** She's not here yet.

25 **MR. RAFFENSPERGER:** Pardon me?

1 **UNIDENTIFIED:** She's not here yet.

2 **MR. RAFFENSPERGER:** Okay. And Gloria

3 Wurtz?

4 **MS. WURTZ:** I'm not for public comment

5 but I have a case.

6 **MR. RAFFENSPERGER:** Okay. Got it.

7 And, Virginia Hall, are you here for a

8 public comment or a case?

9 **MS. HALL:** For a case.

10 **MR. RAFFENSPERGER:** For a case?

11 **MS. HALL:** Yes.

12 **MR. RAFFENSPERGER:** And just to make

13 sure, Donna Melieu (ph.), are you here for a case?

14 **MS. MERRELL:** Donna Merrell,

15 Mr. Secretary, and I'm here for a case.

16 **MR. RAFFENSPERGER:** Okay.

17 And, Marie Williams, here for a case

18 also?

19 **MS. WILLIAMS:** Yes, I am.

20 **MR. RAFFENSPERGER:** Gotcha.

21 So, Mr. Bal --

22 **UNIDENTIFIED:** That's public comment.

23 **MR. RAFFENSPERGER:** Public comment?

24 Okay.

25 Rick Hiers (ph.), are you here for

1 public comment?

2 **MR. HIERS:** No, sir. A case.

3 **MR. RAFFENSPERGER:** Case. Liz Throop?

4 Ma'am, if you could come down here to the front where
5 the mic should be on right now.

6 **MS. THROOP:** Hi, I'm Liz Throop.

7 Thanks for letting me speak today. I was a poll
8 watcher last October and November and had an
9 opportunity to speak to numerous citizens in Fulton
10 and DeKalb County who were told that they couldn't
11 vote a regular ballot in person because they -- their
12 address was not what they thought it was. They
13 claimed that they had not been notified of this change
14 of address.

15 One of them had his address changed
16 back to a previous address without his knowledge from
17 50 miles away. He drove from his new address in
18 Oxford, Georgia to Fairburn because he felt that
19 voting was that important.

20 Other people didn't have time to go to
21 what was now considered their assigned polling place
22 and so they voted a provisional ballot. It's possible
23 to change the poll book online, which is very
24 convenient, people like it, but all it takes is
25 birthdate, county, and driver's license number. And

1 that information is easily available on the web.

2 Okay, we know that companies like
3 Equifax have been hacked and that that information is
4 available on the dark web. You don't need to really
5 be a hacker to do any of that. We don't know who's
6 changing these addresses, but the state could
7 partially address this by keeping a log of IP
8 addresses of who is changing the poll book and making
9 that information available, you know, discoverable in
10 court cases. I think that's a very important thing.
11 I think it plays a part in voter participation.

12 (Timer sounding)

13 **MS. THROOP:** Thank you.

14 **MR. RAFFENSPERGER:** Thank you.

15 Is there anyone else here for public
16 comment? Anyone else?

17 (No response)

18 **MR. RAFFENSPERGER:** Mr. Balbona.

19 **MR. BALBONA:** Two minutes, correct?

20 **MR. RAFFENSPERGER:** Yes.

21 **MR. BALBONA:** I'll try to make it
22 short. I'm glad that you guys got around to having a
23 first meeting of 2019. It's April 17th. Thank you
24 for that.

25 I wanted to ask you if you had any

1 meetings last year, if you had a reason for drawing a
2 paycheck because on the website there are zero
3 meetings for 2018. The last documented meeting is in
4 September -- September 20th of 2017. That's a year
5 and seven months without any documentation of any
6 meetings or any hearings by this board. That's
7 unacceptable. If you're not having it, it's
8 unacceptable, and if you're having them and you're not
9 putting the minutes up, that's unacceptable. What do
10 you have to hide?

11 I also don't like that the current
12 Georgia election code is just the code in annotations.
13 It used to be the Georgia Code Title 21 and Title 183,
14 the rules that govern the board sitting right in front
15 of me. Now, I have to go to a website through the
16 Secretary of State Casemaker Libra -- who the hell are
17 they? -- for \$25 to have the right for 365 days to see
18 the rules that govern you. That's seems like
19 obfuscation. Why is that there?

20 I think the people who live in this
21 state should have a right to see the laws that govern
22 that and this board. Anything else is unacceptable.

23 And in the code of conduct for this
24 board, the first rule is honest and fair. It's
25 not honest and it's not fair.

1 And, Brad, I've tried to speak with you
2 multiple times and you've snubbed me multiple times.
3 That's not honest, that's not fair.

4 It also says to not have any conflict
5 of interest. And all of the lies that he has been
6 telling about the voting machines and how inaccurately
7 expensive handling paper ballots are, clearly shows a
8 bias and a gratuitous line and I think he should be
9 kicked off the board just for that. And he's done it
10 multiple times.

11 If you want to see a lot of lies, look
12 at the last AJC article where he says that you can
13 audit the paper ballots off the BMD. That is
14 impossible. Can't be done. Why? Because of bait and
15 switch. He's showing us a receipt with names, but the
16 scanner is scanning a barcode which no human on this
17 planet can read.

18 (Timer sounding)

19 **MR. BALBONA:** Thank you.

20 **MS. SULLIVAN:** Mr. Balbona, thank you
21 for your comments. I do believe that the board did
22 meet several times in 2018. If that's not accurately
23 reflected on the secretary of state's website, I
24 will -- we'll make sure that's it updated.

25 We just approved the minutes from the

1 three meetings that were all publicly advertised --

2 **MR. BALBONA:** (inaudible)

3 **MS. SULLIVAN:** We'll make sure that
4 it's updated on the website.

5 And on the second matter, I believe
6 that the rules of the state election board are
7 published on the secretary of state's website and are
8 available to the public, but we will look at that as
9 well.

10 **MR. BALBONA:** Yeah, I did that.

11 **MS. SULLIVAN:** Thank you.

12 **MR. WORLEY:** I also just wanted to make
13 it very clear for the record that the members of this
14 board serve without any remunerations at all. That's
15 all.

16 **MR. RAFFENSPERGER:** Thank you.

17 I believe we can move on to the
18 investigation report.

19 Mr. Lewis?

20 **MR. LEWIS:** Mr. Secretary.

21 **MR. RAFFENSPERGER:** We have several
22 people here for the reports of cases today. And so
23 when we call out the case number, if you could just
24 put up your hand and Mr. Lewis will, you know, mark
25 who you are and we'll move those cases to the front of

1 the line so you're not waiting here, to be efficient
2 with your time.

3 So the first ones will be investigation
4 report consent cases.

5 Investigative Case Number 2015-071,
6 City of Forest Park, possession of absentee ballots
7 and processing. Is there anyone here for that?

8 (no response)

9 **MR. RAFFENSPERGER:** SEB Case Number
10 2016-033 from Chatham County on qualifying. Is there
11 anyone here for that case?

12 **MR. LEWIS:** Mr. Secretary, we're going
13 to continue that case. I got a late request
14 yesterday, so that's going to be removed from the
15 agenda today.

16 **MR. RAFFENSPERGER:** Okay.

17 Case Number 2016-047, Clayton County,
18 candidate qualifying.

19 Case Number 2016-104, Taylor County,
20 voter registration.

21 Case Number 2016-130, Effingham County,
22 registration issue.

23 2016-142 -- 135, Lee County, suspicious
24 voter registration.

25 2016-142 in Camden County, intimidation

1 of electors.
2 2016-143, Bryan County.
3 2016-144 in Putnam County.
4 2016-147, Lanier County, felon voter.
5 2016-148, Stewart County, notification.
6 2016-149, Baldwin County.
7 2016-158, Bibb County.
8 2016-180, Ware County.
9 2017-006, Brooks County.
10 2017-012, Glynn County.
11 2017-042, Forsyth County.
12 2017-053, City of Conyers.
13 2018-006, DeKalb County.
14 2018-029 --
15 **MR. WORLEY:** Somebody had their hand
16 up.
17 **MR. RAFFENSPERGER:** DeKalb County?
18 Thank you.
19 2018-029, Madison County.
20 2018-033 in Fulton County.
21 2018-045 in Clayton County.
22 **UNIDENTIFIED:** (off mic) She said to
23 tell you (inaudible) she'll speak (inaudible) this
24 morning.
25 **MR. RAFFENSPERGER:** Okay, thank you.

1 And 2018-065 in Barrow County.

2 **MR. LEWIS:** Mr. Secretary, earlier you
3 did mention 2016-135 at the top of the agenda. And
4 that case was continued as well.

5 **MR. RAFFENSPERGER:** That's 135?

6 **MR. LEWIS:** Lee County. Yes, sir.
7 2016-135 is not on the agenda for this meeting.

8 **MR. RAFFENSPERGER:** Thank you.

9 **MR. LEWIS:** And might I add, too,
10 Mr. Secretary, if you don't mind, these cases are on
11 the consent agenda. So if you want to speak on the
12 case and want to have the case pulled so that we can
13 discuss that, we will. If you're satisfied with the
14 findings in the case, you can let the board vote in
15 full.

16 **MR. RAFFENSPERGER:** Do any of the board
17 members want to pull any of the cases off?

18 **MR. WORLEY:** I do, Mr. Chairman. I
19 would like to pull off Case Number 2016-104, Taylor
20 County, at Tab Number 5 --

21 **MR. RAFFENSPERGER:** Okay.

22 **MR. WORLEY:** -- Case Number 2016-158,
23 Bibb County, Case 14 -- Case Number 2017-53, City of
24 Conyers, Tab Number 19; and Case Number 2018-45,
25 Clayton County, Tab Number 23.

1 **MR. RAFFENSPERGER:** Any other cases
2 that anyone would like to remove?

3 (no response)

4 **MRS. LE:** Mr. Secretary, I would like
5 to recuse myself from all matters related to DeKalb
6 County. My husband serves on the board of elections
7 for the county.

8 **MR. WILLARD:** Mr. Secretary, that will
9 mean 2018 at 006 will need to come off so it can be
10 voted on in its entirety so it does not have a recused
11 vote on a consent.

12 **MR. RAFFENSPERGER:** Okay.

13 Mr. Lewis, do you want to bring up the
14 first case for discussion which would be 104, Taylor
15 County?

16 **MR. LEWIS:** I'm sorry, sir, I didn't
17 understand you.

18 **MS. SULLIVAN:** Discuss the first case
19 on the consent agenda that we took off, which is
20 2016-104, Taylor County.

21 **MR. LEWIS:** There was actually somebody
22 here for 2015-071 which is at the top, unless you want
23 to skip down to 104.

24 Did you want to speak on the case,
25 ma'am? Or are you okay with it being voted on in the

1 block and dismissed?

2 **UNIDENTIFIED:** Yeah, I can be blocked.

3 **MR. LEWIS:** You're good, okay.

4 And then the next was 2016-047, Clayton
5 County, candidate qualifying. Someone here -- Clayton
6 County, are they good with that?

7 **UNIDENTIFIED:** She's here. She stepped
8 out.

9 **MR. LEWIS:** Okay. All right. Well,
10 I'll go ahead and present 104.

11 (Unidentified person entered the room)

12 **MR. LEWIS:** Ma'am, did you want to
13 speak on the Clayton County case that you're here for?
14 Or are you good with the consent agenda?

15 **UNIDENTIFIED:** I'm good with the
16 consent agenda. Thank you.

17 **MR. LEWIS:** All right.

18 This is 2016-104, Taylor County, voter
19 registration.

20 Mr. Secretary, in June of 2016, the
21 Taylor County chief registrar reported that someone
22 had submitted a voter registration application in the
23 name of Mildred Troutman Robinson, a deceased
24 individual who passed away on April 10, 2013.

25 The investigation determined that the

1 phone number listed on the application was owned by
2 was Reece Robinson, the son of Ms. Robinson.
3 Mr.~Robinson was contacted and denied having been
4 approached regarding a new voter registration on
5 behalf of his mother.

6 Investigators obtained known documents
7 completed by Mr. Robinson for comparison with the
8 voter registration application. While they appear to
9 be similar to the voter registration application
10 submitted from Ms. Robinson, there was insufficient
11 evidence to support that the voter registration
12 application was actually completed by Mr. Robinson.

13 All attempts to contact Mr. Robinson by
14 phone, mail, or in person were unsuccessful.

15 There was no evidence conclusive for us
16 to substantiate the identity of the person that
17 submitted the voter registration application, so we
18 would ask that the case be dismissed.

19 **MR. RAFFENSPERGER:** Mr. Worley.

20 **MR. WORLEY:** Thank you, Mr.~Secretary.

21 Mr. Lewis, I was confused by your
22 report because the conclusion on their potential
23 violation says there is sufficient evidence to suggest
24 that Reece Cameron Robinson potentially violated the
25 statute by completing a registration application for

1 his deceased mother which is inconsistent with what
2 you just said. So could you elaborate.

3 **MR. LEWIS:** I would say that that's a
4 typo. There was some editing done to this narrative
5 once it was in supervisor review.

6 So based on the evidence that we had,
7 we did review that to determine -- try to determine if
8 he was responsible for it, but we were unable to come
9 to a conclusive finding that he was responsible. So
10 therefore the recommendation is to dismiss.

11 **MR. WORLEY:** Okay. Thank you for
12 clarifying that.

13 **MR. RAFFENSPERGER:** Mr. Lewis, for my
14 point of clarification, so should the record show that
15 there's insufficient instead of sufficient?

16 **MR. LEWIS:** Insufficient, that's
17 correct.

18 **MR. RAFFENSPERGER:** We'll adjust the
19 record to show that.

20 **MR. WORLEY:** Then under these
21 circumstances I move that we dismissed Case Number
22 2016-104, Taylor County.

23 **MS. SULLIVAN:** I'll second the motion.

24 **MR. RAFFENSPERGER:** Any other comment?

25 (no response)

1 **MR. RAFFENSPERGER:** All those in favor
2 of dismissing Case Number 2016-104, Taylor County,
3 voter registration please signify.

4 **THE BOARD MEMBERS:** Aye.

5 **MR. RAFFENSPERGER:** Ayes have it.

6 May we have the report of 2016-158 from
7 Bibb County.

8 **MS. WATSON:** Yes. Bibb County resident
9 Eric Russett filed a complaint with the secretary of
10 state's office alleging that a poll worker with the
11 Bibb County Elections Office issued him the wrong
12 ballot style. He wound up voting in a district in
13 which he did not live.

14 On November 3, 2016, Eric Russett
15 reports that he went in to vote at the Terminal
16 Station polling precinct in Bibb County and reported
17 to poll managers that he received a ballot with
18 incorrect candidates for the Georgia congressional and
19 house district.

20 The poll worker, Barbara White, encoded
21 Mr. Russett's voter access card with the ballot code
22 from Mr. Russett's paperwork. Ms. White states that
23 it is possible that she encoded the ballot
24 incorrectly, but unlikely with the correct ballot code
25 written on the paperwork.

1 Mr. Russett states that his voting
2 precinct information on the state's website is
3 correct. The Bibb County Elections Office used that
4 same information to encode his voter access card and
5 printed that information on his absentee ballot
6 application.

7 It is possible that the card was
8 encoded with incorrect information but the
9 investigation found no evidence to support that
10 possibility. We find and recommend that there is
11 insufficient evidence to suggest a violation of the
12 Georgia election code and recommend the case be
13 dismissed.

14 **MR. RAFFENSPERGER:** Are there any
15 questions from any members?

16 **MS. SULLIVAN:** I recommend Number
17 2016-158 be dismissed.

18 **MR. WORLEY:** I would second that.

19 **MR. RAFFENSPERGER:** Seeing no further
20 comment, all those in favor to dismiss the case?

21 **THE BOARD MEMBERS:** Aye.

22 **MR. RAFFENSPERGER:** Motion carries.

23 **MS. WATSON:** I show the next one is
24 2017-53 on Tab 19 -- is that correct? -- Morgan (sic)
25 County, buying votes.

1 In October 2017, Rockdale County
2 election supervisor Cynthia Welch reported that a
3 Conyers convenience store was giving away free gas to
4 individuals who had early voted in the November 7,
5 2017 municipal election.

6 Cynthia Welch was notified of the offer
7 and she went to the convenience store and provided a
8 copy of the code section 21-2-570 to the manager.

9 Investigations was unable to
10 substantiate that any individual presented evidence of
11 voting or receiving any free gas or other reward for
12 voting for the posted offer. Candidate Ronnie
13 Godwin's Facebook page contained the offer. Candidate
14 Godwin denied making the post and stated that several
15 people had access to the page to be able to make the
16 post. Mr. Godwin would not provide the list of
17 individuals that had such access to Investigations.

18 There is insufficient evidence to
19 suggest a violation of the Georgia election code. Of
20 note, we did send an investigator to the convenience
21 store in plain clothes in order to -- with an "I
22 voted" sticker to see if they would provide him with
23 the \$5 of free gas and they said that they were not
24 allowed to do so.

25 We recommend the case be dismissed.

1 **MR. RAFFENSPERGER:** Any comments?

2 **MR. WORLEY:** Yes. Thank you,
3 Mr. Chairman.

4 I'm concerned about this case. This
5 board has taken a pretty strong position in the past
6 on offers to buy votes. We have a situation here
7 where the candidate -- where this offer appeared on
8 the candidate's Facebook page, the candidate is saying
9 that he didn't post it and says that other people had
10 access to his Facebook page, but he's not providing
11 the names of those people. And I think this is a case
12 that's appropriate to be referred over to the attorney
13 general for further action.

14 **MR. RAFFENSPERGER:** Any other comments?
15 (no response)

16 **MR. RAFFENSPERGER:** Seeing no comments,
17 would you like to make a motion?

18 **MR. WORLEY:** Yes. I would make a
19 motion that we refer Case Number 2017-053 to the
20 attorney general's office.

21 **MR. RAFFENSPERGER:** Do we have a
22 second?

23 **MS. SULLIVAN:** I'll second that motion.

24 **MR. RAFFENSPERGER:** Okay. Do we have
25 any further comments?

1 (no response)

2 **MR. RAFFENSPERGER:** All those in favor
3 of referring this case to the attorney general's
4 office please signify by saying aye.

5 **THE BOARD MEMBERS:** Aye.

6 **MR. RAFFENSPERGER:** Any opposed?

7 (no response)

8 **MR. RAFFENSPERGER:** Motion carries.

9 **MS. WATSON:** I show the next one as Tab
10 Number 20, 2018-006, DeKalb County, voter registration
11 fraud.

12 In April of 2018 the complainant
13 reported that an unknown individual had altered
14 information to the complainant's voter registration
15 entry that reflected a false address. It was found
16 the complainant in this case is Amanda Ptashkin. The
17 complainant's identity was stolen and a new driver's
18 license was issued in her name without change --
19 with -- changed the address. The voter registration
20 was not opted out during the fraudulent driver's
21 license change which initiated the change to the
22 complainant's voter registration.

23 The City of Avondale Estates has been
24 unsuccessful in identifying the suspect in this case.
25 The driver's license change was made online and the

1 address used for the change was an apartment mailbox
2 believed to have been used due to the lack of -- it
3 being unsecured.

4 The victim's voter registration was
5 corrected by the county elections office and there's
6 insufficient evidence to suggest a violation of
7 Georgia election code in that the identity of the
8 suspect was unable to be identified.

9 We recommend that the case be
10 dismissed.

11 **MR. RAFFENSPERGER:** Any comments?

12 **MS. SULLIVAN:** I'll make a motion that
13 that case be dismissed.

14 **MR. RAFFENSPERGER:** Do we have a
15 second?

16 **MR. WORLEY:** I'll second it.

17 **MR. RAFFENSPERGER:** Any comments?

18 (no response)

19 **MR. RAFFENSPERGER:** Then all those in
20 favor --

21 **MS. SULLIVAN:** Aye.

22 **MR. RAFFENSPERGER:** -- to dismiss it.

23 **THE BOARD MEMBERS:** Aye.

24 **MR. RAFFENSPERGER:** Any opposed?

25 (no response)

1 **MR. RAFFENSPERGER:** Motion carries.

2 **MS. SULLIVAN:** Let the record reflect
3 that Ms. Le did not vote on that case.

4 **MS. WATSON:** I show the next case to be
5 presented as Tab Number 23, 2018-45, Clayton County,
6 interference with primaries and elections.

7 In July of 2018, Clayton County
8 elections director Shauna Dozier advised that an
9 unknown person was arrested at a polling location for
10 disrupting the voter process.

11 Mr. Michael Elmer Gilmore went in to
12 vote at the 121 Main Street, Jonesboro location in
13 July of 19 -- 2018. Mr. Gilmore became irate and
14 started cursing at poll workers when the poll worker
15 asked another person to step outside when their cell
16 phone rang. Mr. Gilmore would not calm down, was
17 being disruptive in the poll location.

18 The Jonesboro Police Department
19 arrested Mr. Gilmore for threatening poll workers and
20 electors that were voting. He was charged with
21 disorderly conduct under a city code violation. As a
22 result of his arrest, Mr. Gilmore was fined \$480 and
23 placed on six months' probation.

24 All electors in the poll location at
25 the time of the incident were able to complete the

1 voting process. Since this incident was handled by
2 local law enforcement, we were recommending the case
3 be dismissed.

4 **MR. RAFFENSPERGER:** Any members have
5 any comments?

6 **MR. WORLEY:** Thank you, Mr. Chairman.
7 I believe that -- I mean, I agree with the conclusion
8 of the report, that it is a violation of the code, and
9 I would at a minimum send a letter of instruction
10 pointing out to the violator that he was in violation
11 of the code and notwithstanding that he was punished.
12 I think -- I think the right thing to do is also
13 inform him that this was in violation of the election
14 code.

15 So I would make a motion that we send
16 the respondent a letter of instruction.

17 **MS. SULLIVAN:** I'll second Mr. Worley's
18 motion.

19 **MR. RAFFENSPERGER:** Any further
20 comments?

21 (no response)

22 **MR. RAFFENSPERGER:** All those in favor
23 of sending a letter of instruction in Case Number
24 2018-045 please signify by saying yes.

25 **THE BOARD MEMBERS:** Aye.

1 **MR. RAFFENSPERGER:** Any opposed?
2 (no response)
3 **MR. RAFFENSPERGER:** Motion carries.
4 Five voted.
5 On the remainder of the cases, is there
6 anyone that wants to speak to any of these cases?
7 **MS. FALOMI:** (standing)
8 **MR. RAFFENSPERGER:** Yes, ma'am.
9 **MS. FALOMI:** (inaudible)
10 **MR. RAFFENSPERGER:** Please move
11 forward.
12 **MS. FALOMI:** I didn't make any comments
13 for the City of Forest Park, but I have a question.
14 **MS. SULLIVAN:** She needs to move to the
15 mic.
16 **MR. RAFFENSPERGER:** Please come to the
17 microphone.
18 **MS. FALOMI:** Okay. I did not make
19 comments in reference to the City of Forest Park, and
20 I have a comment -- I mean a question. I don't know
21 what the word "block" means. And I know that that
22 word, "block," is just a legal advisement but I don't
23 want to violate my rights, so ...
24 **MR. RAFFENSPERGER:** Could you state
25 your name for the record.

1 **MS. FALOMI:** Okay, my name is Lawanda
2 Falomi and I work in the City of Forest Park. And I'm
3 the respondent to a letter that I received. And so I
4 just want to have some clarity what this is all about.
5 I'm new to this and I'm not ashamed to say I'm new.

6 **MR. RAFFENSPERGER:** Okay. Mr. Lewis
7 will present the case and that will probably answer
8 your questions.

9 **MS. FALOMI:** What does that mean?

10 **MR. LEWIS:** Just have a seat and I'll
11 present the case so you can understand what we're
12 doing.

13 **MS. FALOMI:** Okay. Thank you so much.

14 **MR. LEWIS:** Thank you.

15 Mr. Secretary, refer back to SEB
16 2015-071 at the top of the agenda, City of Forest
17 Park, absentee ballot.

18 On October 22, 2015, the secretary of
19 state's office -- investigations office distributed a
20 complaint in reference to absentee ballot possession
21 and the illegal rejection of absentee ballots from the
22 November 3, 2015 municipal election in the City of
23 Forest Park.

24 Ms. Falomi -- Lawanda Falomi dropped
25 off a number of absentee ballots at the City of Forest

1 Park elections office on November -- excuse me,
2 October 19, 2015. She was then contacted by the
3 elections supervisor, Ms. Wright, who told her she had
4 to pick up the ballots and return them to the voters
5 for them to submit.

6 Ms. Falomi advised that she had met the
7 voters while campaigning for a candidate. The voters
8 were elderly and she states that she was asked by them
9 to pick up the completed absentee ballots and deliver
10 them because they were unable to do so for themselves.
11 Once they completed the ballots, they would call her
12 and she would go by and pick them up and take them to
13 the elections office.

14 In June -- June 15, 2016, the attorney
15 general of the state of Georgia issued an official
16 opinion stating that it's his opinion on whether the
17 mailing of another person's absentee ballot
18 constituted a violation under O.C.G.A. 21-2-385(a) or
19 O.C.G.A. 21-2-574. In the attorney general's opinion,
20 the mere possession of another's absentee ballot does
21 not constitute a violation for either statute.

22 So in regards to that opinion and in
23 this case because she was merely bringing the ballots,
24 the ballots were then taken back out and mailed to the
25 elections office, we have not found there was

1 sufficient evidence to cite a violation. We recommend
2 the case be dismissed.

3 **MS. FALOMI:** Thanks.

4 **MR. RAFFENSPERGER:** Any other people
5 that would like to speak to any other case that's been
6 consented to?

7 (no response)

8 **MR. RAFFENSPERGER:** So, Mr. Lewis,
9 you've done the presentation, ready for a motion and
10 for the board to dismiss these, the remaining cases?

11 **MR. LEWIS:** Yes, sir. The remaining
12 consent cases that we vote on the block, that were not
13 spoken -- spoken to this morning and pulled from the
14 agenda, we recommend those be dismissed and voted on
15 by the board.

16 **MR. RAFFENSPERGER:** Do we have a
17 motion?

18 **MS. SULLIVAN:** I'll make a motion that
19 we dismiss the remaining cases on the consent agenda.

20 **MR. WORLEY:** I would second that.

21 **MR. RAFFENSPERGER:** Do we have any
22 other comments? Any board members? If not, call the
23 question. All those in favor?

24 **THE BOARD MEMBERS:** Aye.

25 **MR. RAFFENSPERGER:** Any opposed?

1 (no response)

2 **MR. RAFFENSPERGER:** Motion carries.

3 Now, to the next section of cases --
4 letter cases. I'll call out the numbers and if
5 there's anyone here that wants to speak to those
6 cases, put your hand up where we can move you to the
7 front of the line.

8 Case Number 2015-081, City of Hiawassee
9 in Towns County, improper assistance.

10 Case Number 2015-092 in Houston County,
11 vote buying.

12 2015-097, City of Ellijay in Gilmer
13 County, ballot format.

14 Case Number 2015-099, City of East
15 Point in Fulton County, restrictions on campaigning.

16 Case Number 2016-005 in the city of
17 Walthourville in Liberty County for election
18 miscellaneous.

19 Case Number 2016-032, Coffee County,
20 qualifying (indicating).

21 Case number 2016-048 in Mitchell
22 County, gift to register.

23 2016-066 in Franklin County for poll
24 conduct.

25 2016-081 in Randolph County for

1 tabulation and reporting problems (indicating).

2 2016-082 in Glynn County for poll
3 opening.

4 2016-083 in DeKalb County for vote
5 buying.

6 2016-092, Ware County for a recount
7 notice (indicating).

8 2016-100 in Wilkes County for poll
9 conduct.

10 2016-115 in Randolph County for
11 absentee ballot issue (indicating).

12 2016-125 in Lamar County for the GEMS
13 Server.

14 2016-128 in the city of Tarrytown in
15 Montgomery, qualifying fee.

16 **MR. LEWIS:** Mr. Secretary, we would
17 mark that and pull it for discussion and presentation.
18 One of the respondents in that case has passed away.

19 **MR. RAFFENSPERGER:** 2016-136, Chattooga
20 County, prohibition on photography (indicating).

21 2016-137 in Bartow County, prohibition
22 on photography.

23 2016-139 in Fulton County, prohibition
24 (indicating).

25 2016-153 in Clarke County, prohibition

1 on photography.

2 2016-160 in Newton County, prohibition
3 on photography (indicating).

4 2016-167 in Cherokee County,
5 prohibition on photography.

6 2016-169 in Oconee County, prohibition
7 on photography.

8 2016-172, restaurant vote offers, vote
9 buying.

10 2017-018 in Ware County, voter
11 certificates (indicating).

12 2017-038, Cobb County, prohibition on
13 photography.

14 And 2017-062, City of Milton in Fulton
15 County, vote buying (indicating).

16 2018-043, Hall County, tabulation
17 (indicating).

18 **MR. RAFFENSPERGER:** Okay, Mr. Lewis,
19 hopefully you got all of those.

20 **MR. LEWIS:** All right, sir. The first
21 one I have marked is SEB 2015-099, City of East Point,
22 restrictions on campaigning.

23 In this case, Marie William (sic)
24 reported that there in the East Point general
25 municipal election on April 3rd, city council

1 candidate Thomas Calloway repeatedly entered and
2 exited the Jefferson Park Recreation Center and voting
3 precinct. Ms. Williams also reported that
4 Mr. Calloway escorted voters into the hundred and
5 fifty feet -- foot "no campaigning area," and
6 distributed candy to voters.

7 Witnesses confirmed Mr. Calloway was
8 observed entering and exiting the polling precinct
9 numerous times on election day for the purpose of
10 finding out the number of votes cast. Each time
11 Mr.~Calloway would turn his shirt inside out.
12 Mr.~Calloway stated he voted early and that precinct
13 he was campaigning at on election day was not his
14 voting precinct. It was a separate precinct.

15 There was no substantiated information
16 available from witnesses to confirm that he was
17 campaigning within a hundred and fifty feet or
18 distributing candy to the voters.

19 We would recommend Thomas Calloway,
20 candidate for city council, be issued a letter of
21 instruction for the listed violations.

22 **MR. RAFFENSPERGER:** Comment? Is there
23 someone that would like to speak to this?

24 **MS. WILLIAMS:** I would.

25 **MR. RAFFENSPERGER:** If you would come

1 forward.

2 **MS. WILLIAMS:** (complies)

3 **MR. RAFFENSPERGER:** Could you state
4 your name for the record.

5 **MS. WILLIAMS:** My name is Marie
6 Williams, Marie Terry Williams, and I am one -- I -- I
7 am the candidate. And what I would like to speak to
8 that I heard on these cases that you guys have here --
9 because this my first time coming to this kind of
10 gathering. In East Point, with my candidate -- when I
11 was running, I -- this was not my first time in the
12 county that I entered an election in East Point,
13 because I actually ran three times in East Point.

14 And each and every time that I ran for
15 Ward B in East Point, I've had a situation with the --
16 with the other candidates going to the polls. I've
17 had a situation as to where my campaign signs were
18 stolen. They even took them as far as to the superior
19 court and they came back and got arrested. I also had
20 another candidate the first time I ran, she went into
21 the polls.

22 And the last time I didn't come here
23 because I didn't understand and I still don't
24 understand how it's done. But I've heard all of these
25 cases and all of the cases being dismissed. I came

1 here because I do not want them to be dismissing this
2 Thomas Calloway because the City of East Point and the
3 way you guys gave the City of East Point the
4 opportunity to run an election, and East Point, the
5 city clerk is brand-new there. Everything is
6 brand-new to her. But then things happen.

7 And then the polls -- the polls are
8 being ran with the poll workers, with the managers you
9 guys are sending down there. I think you guys need to
10 actually have these managers -- y'all need to educate
11 these people when they vote.

12 I worked hard on that election. I paid
13 for my election myself. And for them to do me like
14 they do me in that city, I figured you guys up there
15 on that board -- that you guys need to push for more
16 about each and every election, whether it's for city,
17 state, or county because I went through a lot in East
18 Point. It is so much going on in those elections.
19 You know, people -- deprivation of character, I've
20 been -- they talking about and telling candidates
21 don't vote for me. Candy being given out.

22 When I hear these cases you guys got in
23 here, well, dismiss that, dismissed this, I'm here to
24 tell you guys, it's a lot of dirt going on in these
25 elections.

1 (Timer sounded)

2 **MS. WILLIAMS:** And I ran down here to
3 tell you something needs to be done with East Point,
4 something really needs to be done. It's a small city
5 and I think you guys can actually -- I don't know how
6 to say it -- take it back. Don't let that small city
7 with all that corruption do that because the
8 residents -- they want more. And half of the
9 residents in East Point, they're baby boomers. We
10 have about 35,000 people. They're baby boomers. They
11 don't know. Half of them don't even know there is an
12 election.

13 So you sit up on the board -- I'm
14 talking about in East Point, they sit there on the
15 board and, you know, they pick certain people to go
16 out and say, okay, okay then, we're going to vote.
17 But you got 35,000 people.

18 In Ward B -- we're in sections. In
19 Ward B it's like out of 35,000 people, Ward B you've
20 got over -- only 3,000 votes. Something is wrong with
21 the election system here. And --

22 **MR. KOVAL:** (inaudible)

23 **MS. WILLIAMS:** -- and -- my time's up?
24 I'm so sorry. Thank you guys for letting me speak.
25 Thank you so much.

1 **MR. RAFFENSPERGER:** Thank you for your
2 comments.

3 **MS. WILLIAMS:** Thank you.

4 **MR. RAFFENSPERGER:** Is there anyone
5 else that would like to speak to this case?

6 **MR. CALLOWAY:** My name is -- my name is
7 Thomas Calloway. Thank you, Mr. Secretary and board
8 members, for allowing me to speak today. This case, I
9 have -- I have worked as --

10 **MR. KOVAL:** (handing microphone)

11 **MR. CALLOWAY:** I'm sorry. Is this
12 better?

13 **MR. RAFFENSPERGER:** Yes.

14 **MR. CALLOWAY:** Okay. So my name is
15 Thomas Calloway. Mr. Secretary and board members, for
16 allowing me to speak today, thank you for that.

17 In this election, this was my first
18 election. I had worked as a -- on several campaigns
19 before. There were several allegations made that were
20 unfounded if you would read the report. But the
21 ones -- section D of the election code, which
22 specifically speaks to candidates, I had adhered to
23 the rules as I thought they were at the time from
24 working on other campaigns. I was unaware of section
25 D, which specifically talks about candidates entering

1 a polling place.

2 Any time I went in, I did take off
3 campaign material, I did not speak to anyone. But
4 ignorance of the law is no excuse nor is it a defense.
5 So I take full responsibility for my actions and I
6 realize that going forward that section D is there and
7 I will adhere to that.

8 More importantly what I've learning is
9 an elected official -- it is a position of power and
10 the decisions you make affect individuals, but more
11 importantly, it's a position of responsibility and it
12 behooves you to not only rely upon anecdotal evidence
13 or what you think to be correct but it behooves you to
14 read the law thoroughly and thoroughly understand what
15 is written.

16 Not only has my experience as an
17 elected official taught me that, but this instance --
18 excuse me, this instance in particular has taught me
19 that it is my responsibility, not only as an elected
20 official but as a -- someone who's campaigning to know
21 exactly what I'm doing. And I take that
22 responsibility very seriously and going forward I'll
23 be sure to make sure my behavior adheres specifically
24 to the written law. Thank you.

25 **MR. RAFFENSPERGER:** Any comment?

1 Members, would you like to speak to this?

2 **MR. WORLEY:** I would. Thank you,
3 Mr. Chairman.

4 The investigative office has
5 recommended a letter of instruction in this case. In
6 my opinion, we need to hold candidates to a higher
7 standard than we hold voters or campaign workers or
8 others. And I do not think that a letter of
9 instruction alone is sufficient in a case where a
10 candidate has, even through ignorance, violated the
11 law by going into a polling place several times on
12 election day. And there's really not any dispute
13 about that.

14 So I believe that we should refer this
15 to the attorney general for the negotiation of a fine
16 of some sort for this violation, rather than a letter
17 of instruction. And I would make that motion.

18 **MR. RAFFENSPERGER:** We have a motion.
19 Do we have a second? Do we have a second?

20 (no response)

21 **MR. RAFFENSPERGER:** Motion fails for
22 lack of second.

23 **MS. SULLIVAN:** Mr. Chairman, I'll make
24 a motion that we issue a letter of instruction in that
25 case.

1 **MR. RAFFENSPERGER:** Do we have a
2 second?

3 **MRS. LE:** I'll second it.

4 **MR. RAFFENSPERGER:** Any further
5 discussion?

6 (no response)

7 **MR. RAFFENSPERGER:** Okay, all those in
8 favor of the motion for a letter of instruction please
9 signify by saying aye.

10 **THE BOARD MEMBERS:** Aye.

11 **MR. RAFFENSPERGER:** All those opposed?

12 **MR. WORLEY:** No.

13 **MR. RAFFENSPERGER:** Motion carries.

14 **MR. LEWIS:** Mr. Secretary, the next
15 case that I have marked is 2016-032, Coffee County,
16 qualifying.

17 The Coffee County election supervisor
18 reported to the secretary of state's office that on
19 Monday, March 7, 2016, the Republican Party did not
20 have all of the necessary paperwork and did not begin
21 their qualifying until 10 a.m. when they should've
22 started at 9 a.m. that morning.

23 Election supervisor Misty Hayes
24 reported that the Republican Party was not ready at
25 9:00 and the qualifying did not start until 10.

1 Dennis O'Connor and William Paul Hersey
2 with the Coffee County Republican Committee reported
3 the qualifying forms were misplaced and it caused a
4 delay of 15 to 20 minutes. All candidates were able
5 to qualify. No one was prevented from doing so as a
6 result of the delay.

7 We would recommend the Coffee County
8 Republican Committee, Dennis O'Connor, William Paul
9 Hersey be issued letters of instruction for the listed
10 violation.

11 **MR. RAFFENSPERGER:** I believe they have
12 someone here to speak to that.

13 Please come forward, please. Please
14 state your name for the record, please.

15 **MS. HALL:** Yes. Good morning. My name
16 is Virginia Hall. I'm here on behalf of Coffee
17 County. My law firm, Hall Booth Smith, represents
18 Coffee County.

19 Everything that was previously stated
20 is correct as far as it's been explained to me. I'm
21 just here to confirm that a letter of instruction is
22 going to be issued.

23 **MR. RAFFENSPERGER:** Thank you.

24 **MS. HALL:** Thank you.

25 **MR. RAFFENSPERGER:** Do we have a motion

1 or a discussion?

2 **MS. SULLIVAN:** I'll make one that a
3 letter of instruction be issued in Case Number
4 2016-032, Coffee County.

5 **MR. WORLEY:** Second.

6 **MR. RAFFENSPERGER:** All in favor?

7 **THE BOARD MEMBERS:** Aye.

8 **MR. RAFFENSPERGER:** Any opposed?

9 (no response)

10 **MR. RAFFENSPERGER:** Motion carries.

11 Mr. Lewis.

12 **MR. LEWIS:** Mr. Secretary, the next
13 case that I have marked is SEB 2016-081, Randolph
14 County, tabulation. It's Tab 33 in your books.

15 There were two complaints regarding
16 this election in Randolph County. The secretary of
17 state's office, elections division, reported that
18 Randolph County had repeatedly failed to followed
19 instructions on procedures that must be met before
20 leaving on election night.

21 Randolph County election superintendent
22 Sarah Thompson -- excuse me, Sandra Thompson left
23 without confirming that her uploads and numbers were
24 correct in the May 24, 2016 general primary.

25 The second allegation in this case had

1 to do with a gentleman named Harold Piper, a candidate
2 for the Randolph County sheriff's race, in May of that
3 year as well. Mr. Piper believed that there could
4 be -- could be some issues with absentee ballots in
5 this election and what he called "false ballots" that
6 should be counted -- that shouldn't be counted, excuse
7 me.

8 Regarding Allegation 1, Ms. Thompson
9 sent an incorrect election night report, made a change
10 in the GEMS Server the SOS asked for, but then went
11 home before confirming the change had been completed
12 correctly. Ms. Thompson could not be reached until
13 the following day to address the outstanding issue.

14 It was also noted that during the
15 March 2016 presidential preference primary,
16 Ms. Thompson went home prior to receiving final
17 approval from the elections division.

18 Regarding Allegation 2, the
19 investigation did not reveal any evidence to support
20 violation of the election code regarding any of the
21 absentee ballot processes. Mr. Piper couldn't provide
22 any proof to support his allegation that there was --
23 it was apparently based on hearsay.

24 We would recommend the Randolph County
25 Board of Elections and Sandra Thompson, elections

1 superintendent, be issued letters of instruction for
2 the listed violation.

3 **MR. RAFFENSPERGER:** I understand
4 there's some people here to speak to this case.

5 If you would come forward, please. If
6 you would state your name for the record, please.

7 **MR. LAMAR:** Good morning. Gary Lamar
8 on behalf of Randolph County. And we do agree and
9 confirm the allegation that the investigator has
10 announced on the record and we have taken steps to
11 remedy those issues. Sandra Thompson is no longer
12 employed by Randolph County and we would accept then
13 to comply with any directives from the board. Thank
14 you.

15 **MR. RAFFENSPERGER:** Anyone else need to
16 speak on this?

17 (no response)

18 **MR. RAFFENSPERGER:** Members, do you
19 have any comments? Any questions? Do we have a
20 motion?

21 **MS. SULLIVAN:** Mr. Chair, I recommend
22 that a letter of instruction be issued in the case,
23 2016-081, Randolph County.

24 **MR. WORLEY:** Second.

25 **MR. RAFFENSPERGER:** Any discussion?

1 (no response)

2 **MR. RAFFENSPERGER:** All those in favor
3 of a letter of instruction to be issued.

4 **THE BOARD MEMBERS:** Aye.

5 **MR. RAFFENSPERGER:** Any opposed?

6 (no response)

7 **MR. RAFFENSPERGER:** Motion carries.

8 **MR. LEWIS:** Mr. Secretary, the next
9 case that I have is 2016-092, Ware County, recount
10 vote. This is Tab 36 in your books.

11 In June of 2016, the secretary of
12 state's office received a complaint from Sarah Thrift
13 stating that she was never notified in writing of a
14 recount that was conducted for the Ware County
15 commissioners race in which she was a candidate in the
16 May of 2016 general primary.

17 Ware County election supervisor Betty
18 Gillis advised that the results of the county
19 commission race were very close, so they decided to
20 have a recount. Betty Gillis advised that candidates
21 were notified in person, but they were not notified in
22 writing.

23 The recount was approved through the
24 board -- county board of elections and she notified
25 the candidates as they came into the office for

1 paperwork that the recount would be the following
2 Friday.

3 We would recommend Ware County Board of
4 Elections and Registration as well as Betty Gillis,
5 Ware County supervisor, be issued letters of
6 instruction for violation of the procedures for
7 recount.

8 **MR. RAFFENSPERGER:** I understand
9 there's people that would like to speak. Please come
10 forward.

11 **MS. HALL:** (complies)

12 **MR. RAFFENSPERGER:** And if you would
13 state your name for the record.

14 **MS. HALL:** Yes, sir. Good morning
15 again. Virginia Hall, here on behalf of Ware County
16 and here on behalf of the election supervisor Betty
17 Gillis.

18 She did inform Ms. Thrift verbally that
19 there would be a recount and therefore was under the
20 mistaken assumption that she did not have to provide
21 written notice. She now knows that henceforth she
22 will be providing written notice as well as verbal
23 notice.

24 And I'm just here to confirm that there
25 will be a letter being sent out to that effect.

1 **MR. RAFFENSPERGER:** Thank you.

2 Members, do you have any comments or a
3 motion?

4 **MS. SULLIVAN:** I move that a letter of
5 instruction be issued in the case, 2016-092, Ware
6 County.

7 **MR. WORLEY:** Second.

8 **MR. RAFFENSPERGER:** Any comments?

9 (no response)

10 **MR. RAFFENSPERGER:** All those in favor?

11 **THE BOARD MEMBERS:** Aye.

12 **MR. RAFFENSPERGER:** Anyone opposed?

13 (no response)

14 **MR. RAFFENSPERGER:** Motion carries.

15 **MR. LEWIS:** Mr. Secretary, the next
16 case that I have is SEB 2016-115, Randolph County,
17 absentee ballot issue, Tab 38 in your binders.

18 In June of 2016, complainant Erica
19 Ferguson reported that when she went to the polls she
20 was not allowed to vote because the system showed that
21 she had voted absentee.

22 Ms. Ferguson states that she had not
23 voted in the July 26, 2016 primary run-off election.
24 So she contacted the county election supervisor. She
25 advised the election supervisor informed her that she

1 could vote a provisional ballot, but she was concerned
2 it might be thrown out.

3 During the investigative process, we
4 found that Ms. Ferguson was given credit for early
5 advanced voting on July 22, 2016 even though she was
6 not the person that came in to vote. The entry in the
7 system for credit was entered by the election
8 supervisor Ms. Thompson. There was no entry on the
9 early voters list, numbered list, for Erica Ferguson
10 on July 22nd, so she was absent from that list.

11 It appears that Erica Ferguson was
12 selected in the system by human error when
13 Ms. Thompson was processing another elector on
14 July 22, 2016. Ms. Ferguson was given a provisional
15 ballot and after a further review it was determined
16 she had not early-voted in that election and was given
17 credit for a provisional ballot.

18 We would recommend the Randolph County
19 election -- board of elections and registration and
20 Ms. Thompson, the election supervisor, be issued
21 letters of instruction for the listed violation.

22 **MR. RAFFENSPERGER:** Is there someone to
23 speak to this?

24 **MR. LAMAR:** (raising hand)

25 **MR. RAFFENSPERGER:** Come forward,

1 please.

2 **MR. LAMAR:** Good morning again. Gary
3 Lamar on behalf of Randolph County. Again, we're
4 taking steps to remedy those issues, and we agree with
5 the investigator's findings and conclusions. Thank
6 you.

7 **MR. RAFFENSPERGER:** Thank you.

8 Members, any motions or any comments?

9 **MR. WORLEY:** I make a motion that we
10 issue a letter of instruction in Case Number 2016-115.

11 **MR. RAFFENSPERGER:** Do we have a
12 second?

13 **MS. SULLIVAN:** I'll second it.

14 **MR. RAFFENSPERGER:** Any discussion on
15 the motion? Seeing none, all those in favor of
16 issuing a letter of instruction in Case 2016-115,
17 Randolph County, please say aye.

18 **THE BOARD MEMBERS:** Aye.

19 **MR. RAFFENSPERGER:** Any opposed?

20 (no response)

21 **MR. RAFFENSPERGER:** Motion carries.

22 Mr. Lewis.

23 **MS. WATSON:** No, no.

24 **MR. RAFFENSPERGER:** Sorry.

25 **MS. WATSON:** That's okay. The next

1 case is Tab Number 40, Montgomery County, City of
2 Tarrytown.

3 In September of 2016 the secretary of
4 state's office received a complaint from Mae Warnock
5 concerning the City of Tarrytown failing to impose the
6 qualify fees for mayor and council members by the
7 February 1, 2016 deadline.

8 Investigation shows Mayor Lynette
9 Coleman of Tarrytown stated it was an oversight that
10 qualifying fees were not imposed by February 1, 2016.
11 The posting was published in August of 2016, and there
12 was no response for anyone to qualify. Montgomery
13 County election supervisor Rubie Nell Sanders posted
14 the qualifying again in October of 2016.

15 We recommend the City of Tarrytown --
16 mayor and council -- be issued a letter of instruction
17 for the listed violation, and Lynette Coleman, the
18 former mayor of Tarrytown, be dismissed as a
19 respondent as she has passed away.

20 We did receive an e-mail from a
21 volunteer in the city who states that they would not
22 be attending due to the cost. They only have 38
23 citizens in the city of Tarrytown and they advise that
24 they are working diligently to try to resolve the
25 issue going forward.

1 **MR. RAFFENSPERGER:** Okay. Since we
2 have no one to speak to this in our audience, do we
3 have a motion from the board?

4 **MS. SULLIVAN:** I'll make a motion to
5 accept the recommendation and issue a letter of
6 instruction to the City of Tarrytown -- mayor and
7 council -- and remove Ms. Coleman as a respondent.

8 **MR. WORLEY:** I will second that motion.

9 **MR. RAFFENSPERGER:** Any discussion on
10 the motion? Seeing none, all those in favor signify
11 by saying aye.

12 **THE BOARD MEMBERS:** Aye.

13 **MR. RAFFENSPERGER:** Any opposed?

14 (no response)

15 **MR. RAFFENSPERGER:** Motion carries.

16 **MS. WATSON:** The next case that I show
17 is Tab Number 43, 2016-139, Fulton County, prohibition
18 on photography.

19 In this complaint in October of 2016,
20 the Fulton County Elections Office reported that the
21 Facebook page with Brett Phillip Hulst displayed a
22 photograph of Mr. Hulst's electronic ballot with the
23 face of the DRE in it.

24 Fulton County also reported that a Mark
25 Paul Lachiewicz utilized a photographic device inside

1 the poll at the North Fulton Annex after being
2 instructed not to do so by the poll worker.

3 Investigation showed that Brett Hulst
4 early-voted at the Georgia Tech polling station at
5 177 North Avenue on the same date the photo with the
6 ballot appeared on his Facebook page. Mr. Hulst was
7 contacted and did not admit to taking or posting a
8 photograph but stated he would remove any reference to
9 his ballot from his Facebook page.

10 Poll manager Charlesetta Gibson
11 observed Mark Lachiewicz pull out his cell phone in
12 front of the DRE and appeared to take a photograph of
13 the DRE screen. Mr. Lachiewicz admitted to taking the
14 photograph and stated that once he was confronted by
15 poll workers that he deleted the photograph.
16 Mr. Lachiewicz advised he was not aware that it was a
17 violation although he states he was cautioned upon
18 entering the poll.

19 We recommend Brett Hulst and Mark
20 Lachiewicz be issued a letter of instruction for
21 21-2-413(e) .

22 **MR. RAFFENSPERGER:** I believe we have
23 someone to speak to this case.

24 Please state your name for the record.

25 **MR. HULST:** My name is Brett Hulst, and

1 I'm just here to be present and answer your questions
2 if there were any, but no statement.

3 **MR. RAFFENSPERGER:** What is the ruling
4 of the committee?

5 **MR. WORLEY:** Mr. Chairman, I know that
6 the investigators have recommended a letter of
7 instruction to be issued in this case or two letters
8 of instruction. I would support a letter of
9 instruction to Mr. Hulst but not to Mr. Lachiewicz and
10 for reasons that are -- can be clear as we discuss
11 other cases.

12 I think it is one thing for a voter to
13 be enthusiastic about voting, sometimes for the first
14 time, and to take a photograph. But there are a
15 number of cases that we have today where a person was
16 instructed by a poll manager not to take a photograph
17 or not to use a cell phone and then they went ahead
18 and did it anyway. And I think in those cases
19 something more than a letter of instruction is needed
20 because, in effect, those -- those people already got
21 an oral letter of instruction from a poll manager and
22 ignored it.

23 So in those cases, I would suggest that
24 we refer the case over to the attorney general for the
25 negotiation of a cease-and-desist order and a fine of

1 some amount.

2 So in this case, I would move to send
3 the letter of instruction to Mr. Hulst and refer
4 Mr.~Lachiewicz over to the attorney general's office.

5 **MR. RAFFENSPERGER:** Do we have a
6 motion? Do we have a second?

7 **MS. SULLIVAN:** I'll second the motion.

8 **MR. RAFFENSPERGER:** We have a motion
9 and a second. Do we have discussion on the motion?

10 (no response)

11 **MR. RAFFENSPERGER:** I'll call the
12 question. All those in favor?

13 **THE BOARD MEMBERS:** Aye.

14 **MR. RAFFENSPERGER:** Any of those
15 opposed?

16 (no response)

17 **MR. RAFFENSPERGER:** Motion carries.

18 **MS. WATSON:** The next case I have is
19 Tab 46, 2016-167, Cherokee County, prohibition on
20 photography.

21 In November of 2016, Cherokee County
22 election superintendent Kim Stancil reported that
23 Valerie Hamby photographed her absent -- her
24 electronic ballot while early-voting at the Ball
25 Ground advance voting station.

1 Poll workers at the Ball Ground advance
2 voting station in Cherokee County advised voters in
3 line, warning of the prohibition of the use of cell
4 phones at the polling location. Valerie Louise Hamby
5 stated while she was waiting in line that she was
6 checking her phone, and she was told that she could
7 not use her phone in the polling location. She told
8 the poll workers that she was going to do what she
9 wanted.

10 Valerie Hamby was then observed by poll
11 workers at the DRE machine while voting to have her
12 cell phone in her left hand and operated the DRE
13 machine with her right hand. Several more workers
14 observed Ms. Hamby and stated she appeared to be using
15 her cell phone to take a photograph of the DRE screen.

16 We're recommending Valerie Louise Hamby
17 be issued a letter of instruction for the listed
18 violation.

19 **MR. RAFFENSPERGER:** I believe we have
20 someone to speak to this case.

21 If you would come forward please and
22 state your name for the record, please.

23 **MS. HAMBY:** I'm Valerie Hamby. So,
24 yes, I -- I had it out. I'm an anxious person and
25 it's a fidget device. And I didn't have any pictures

1 or anything. It's just -- I flip constantly. It's
2 just a stressful situation, so it's -- so I -- I'm
3 here -- the lady -- the lady at the poll -- there was
4 probably about ten of us in -- in the atrium and all
5 of us were fidgeting with our phones and --

6 **MR. HARP:** Ma'am, you're soft-spoken,
7 could you please hold the mic close.

8 **MS. HAMBY:** Okay. And we -- we were
9 all fidgeting with our phones and for some reason
10 she -- I don't know if I appeared nervous or what but
11 she singled me out. And I looked at the front, looked
12 at the back, I mean, there was people doing the same
13 exact thing. So I had already had it in my head to,
14 you know, put it away when I actually got into the
15 room, and then, you know, her coming up and doing
16 that, it just got way anxious. Like at this point,
17 I'm -- the last time that I went to vote, I had just
18 -- I actually had a panic attack when I got back to my
19 car.

20 And I actually came because I don't
21 know the -- the authorities or -- or what to do to get
22 one of those permission for absentee because I don't
23 think I can go back anymore. And it's just -- it's
24 just me. It's just my anxiety, it's my issue.

25 So I'm just here for any questions.

1 **MR. RAFFENSPERGER:** Thank you, ma'am.
2 Any questions?
3 **MS. SULLIVAN:** Ms. Hamby, thank you for
4 coming today. So just to clarify, so you did not take
5 any pictures --
6 **MS. HAMBY:** No, ma'am.
7 **MS. SULLIVAN:** -- at all.
8 **MS. HAMBY:** I flip it, and, you know,
9 stuff goes off. I don't know but I didn't have any --
10 any pictures or anything like that, so I don't know.
11 I have stuff in here now that's -- it just comes up,
12 so it's -- it's just what I do.
13 **MS. SULLIVAN:** Thank you.
14 **MR. RAFFENSPERGER:** Thank you, ma'am.
15 Members?
16 **MR. WORLEY:** Well, given that Ms. Hamby
17 has stated -- given that Ms. Hamby has stated that she
18 didn't take any pictures, I would move to dismiss the
19 case.
20 **MS. SULLIVAN:** I'll second that.
21 **MR. RAFFENSPERGER:** Any discussion?
22 (no response)
23 **MR. RAFFENSPERGER:** All those in favor
24 of dismissing this case, please signify by saying aye.
25 **THE BOARD MEMBERS:** Aye.

1 **MR. RAFFENSPERGER:** Any opposed?

2 (no response)

3 **MR. RAFFENSPERGER:** Motion carries.

4 **MS. WATSON:** The next case I show is
5 Tab Number 29, 2017-018, Ware County, voter
6 certificates.

7 Ware County election supervisor Betty
8 Gillis reported that poll workers at one of her
9 precincts used voter registration applications in lieu
10 of voters certificates when electors came in to vote
11 in an election on March 24, 2017.

12 Investigation revealed that poll
13 workers at the Emerson Park Volunteer Fire Station
14 precinct used voter registration applications instead
15 of voter certificates to sign in electors. The error
16 was discovered when the precinct paperwork was
17 submitted after the close of poll. There were a total
18 of 31 electors who completed the VRA instead of the
19 voter certificate. Poll workers knew it was an
20 incorrect form but assumed they did not have the voter
21 certificates available. No one questioned the poll
22 manager about if the voter certificates were in fact
23 available at the precinct and returned unused.

24 We recommend the Ware County Board of
25 Election and Registration; James D. Lang Jr., poll

1 manager; Vivian Reid, poll worker; Carolyn Towns, poll
2 worker; and Ebony Palmer, poll worker be issued
3 letters of instruction for the listed violation.

4 **MR. RAFFENSPERGER:** I believe there's
5 someone here to come speak to this case.

6 Please state your name, please.

7 **MS. HALL:** Hi. Virginia Hall, here on
8 behalf of Ware County. And everything that the
9 investigator spoke to is correct, based on my
10 understanding of the facts, and we are in agreement
11 with the decision to issue a letter.

12 **MR. RAFFENSPERGER:** Thank you.

13 Members? Any motions?

14 **MR. WORLEY:** I would move that we issue
15 a letter of instruction in Case Number 2017-018, Ware
16 County.

17 **MR. RAFFENSPERGER:** Is there a second?

18 **MRS. LE:** I'll second that.

19 **MR. RAFFENSPERGER:** Thank you.

20 Any discussion on the motion?

21 (no response)

22 **MR. RAFFENSPERGER:** All those in favor
23 signify by saying aye.

24 **THE BOARD MEMBERS:** Aye.

25 **MR. RAFFENSPERGER:** Any opposed?

1 (no response)

2 **MR. RAFFENSPERGER:** Motion carries.

3 **MS. WATSON:** The next case is Tab 51,
4 2017-62, City of Milton, Fulton County, vote buying.

5 On November 1, 2017, the City of Milton
6 Police Department, William Lusk, and Ms. Karen
7 Chandler reported there was a vote-buying campaign in
8 the City of Milton, Georgia general elections. The
9 complainants advised that the City of Milton voters
10 would be rewarded with a gift card or cards to redeem
11 at a local restaurant in return for voting for three
12 specific candidates.

13 The investigation showed an offer was
14 posted to the Facebook page, "We call Milton Home."
15 The posting stated: Here's your chance to win a \$50
16 gift card to a Milton resident -- owner -- owned
17 campaign -- restaurant at 800 North Main Street. We
18 will give away nine gift cards, three each day left in
19 early voting for Milton city council, et cetera.

20 The owner of the Facebook page was
21 identified as Scott Tittle who advised that he made
22 the offer and the post. Mr. Tittle was not aware that
23 it was a violation. He states no rewards were
24 purchased or given as a result of the post.

25 And what we're recommending is Scott

1 Tittle be issued a letter of instruction for 21-2-570.

2 **MR. RAFFENSPERGER:** I believe there's
3 people who would like to speak to this.

4 If you would come forward please. If
5 you will pronounce your name, please.

6 **MR. KUNZ:** Thank you. I will. Is this
7 on?

8 **MR. KOVAL:** Yep.

9 **MR. KUNZ:** My name is Matt Kunz, a city
10 councilman in the City of Milton. Just like all of
11 you, I've sworn an oath to uphold the laws in the
12 state of Georgia, the laws of the constitution and the
13 laws of the City of Milton.

14 One of my favorite quotes from
15 Eisenhower is that a people that values its privileges
16 above principles soon loses both.

17 And the reality is is unfortunately
18 that the City of Milton has dealt with a lot of
19 tactics in elections over the last several years. And
20 with that, we've had several residents that have gone
21 through Georgia Government Transparency and Campaign
22 Finance Commission. We had ethics complaints filed
23 against the residents. One of those is actually being
24 dismissed tomorrow because they did nothing wrong.
25 Others had to spend a lot of moneys on attorneys.

1 And this particular case is very
2 interesting because we filed a complaint against the
3 same group for violating the Supreme Court decision,
4 *Buckley v Valeo*, 1976, and *FEC v McConnell*, 2003,
5 which goes before the Georgia Government Transparency
6 and Campaign Finance Commission because it allows the
7 elector to know who's behind these bodies that are
8 trying to influence elections. That states
9 specifically that if you're more than one person, you
10 spend any money at all or make an offer of any money
11 at all on an election, you're guilty of an ethics
12 charge.

13 Now, the issue was is that they
14 actually went above and beyond by offering the post
15 for the vote-buying deal by offering gift cards for
16 the campaign at a pizzeria. But people, again, who
17 values its privileges above its principles soon loses
18 both. The "We Call Milton Home" page still has not
19 made public who was behind the page. If you want to
20 maintain the elections of any community, there has to
21 be an accountability according to the Georgia
22 Government Transparency and Campaign Finance
23 Commission ethics rules as well as your rule per se to
24 make sure everything goes okay.

25 So I'm not here to say what your role

1 here should be as far as that goes, but who is behind
2 that page needs to be made public. I am public. When
3 I ran, I did everything right, so did Bill. Everybody
4 holds us accountable, hold us accountable. Everybody
5 else should be held accountable as well.

6 Thank you.

7 **MR. RAFFENSPERGER:** Thank you.

8 Is anyone else here to speak to this
9 case?

10 (Mr. Lusk approached the microphone)

11 **MR. RAFFENSPERGER:** If you could
12 identify yourself.

13 **MR. LUSK:** Mr. Secretary, members of
14 the board, I'm William Lusk, City of Milton. I am a
15 complainant in this case.

16 In addition to what your findings might
17 show, Mayor Lockwood has been in front of the state
18 ethics board on previous occasions -- (sound made)
19 excuse me -- (indiscernible) on this matter. I view
20 that as a total disregard of the rules and regulations
21 that are expected of elected officials. That's all I
22 have to say. Thank you.

23 **MR. RAFFENSPERGER:** Thank you, sir.

24 Anyone else that like to speak to this?
25 Provide your name, please.

1 **MR. TITTLE:** I'm Scott Tittle, and I
2 just wanted to speak to the -- so I'm the person that
3 made the post on the Facebook page. So I definitely
4 acknowledge that. And so I'm not a political pro, and
5 I did some research online to try to see if what I --
6 my thought in my head, promotion voting, would be okay
7 or not. And it didn't -- I didn't find anything
8 online to speak differently, so I made the post.

9 Within less than 24-hours somebody made
10 a comment referring to some election rules. And when
11 I saw that, I immediately took down the post and --
12 and haven't made a post since then.

13 So I just wanted to acknowledge that,
14 and I have no ties to any of the candidates, just
15 except from a public viewpoint of support for them.
16 So I just wanted to take responsibility and try to
17 give more context to the history of how that happened.

18 Later that same day, I got an e-mail
19 from Francis Watson from the office -- I'm assuming
20 the investigative office -- oh, hello. And so we
21 spoke and she also just reminded me of the rule and
22 I'd already removed the post and just acknowledged
23 that that won't happen again.

24 And that's all I want to say. Thank
25 you.

1 **MR. RAFFENSPERGER:** Thank you.

2 **MR. WORLEY:** I have a question.

3 **MR. TITTLE:** Sure.

4 **MR. WORLEY:** Did either Mr. Lockwood,
5 Mr. Jamison, or Ms. Bentley -- did any of them have
6 any knowledge or awareness of what you were doing when
7 you did it?

8 **MR. TITTLE:** No, they did not.

9 **MR. WORLEY:** That's all.

10 **MS. SULLIVAN:** I have a question.

11 **MR. TITTLE:** Sure.

12 **MS. SULLIVAN:** Just to clarify, was the
13 post to vote for specific candidates or was it to
14 vote?

15 **MR. TITTLE:** The vote was if you took a
16 picture -- so the vote -- what I posted was if you --
17 if you submitted a picture with your face in front of
18 one of the candidate's campaign signs and with an "I
19 voted" sticker, then you would be eligible for a
20 drawing for a gift card to the restaurant.

21 **MS. SULLIVAN:** So posting your picture
22 with any candidate would qualify you for this?

23 **MR. TITTLE:** I believe I designated
24 three candidates named in there.

25 **MS. SULLIVAN:** Thank you.

1 **MR. TITTLE:** Sure.

2 **MR. WORLEY:** And just to follow-up.
3 And each of those candidates had opponents in the
4 race?

5 **MR. TITTLE:** Two of the three had
6 opponents in the race, correct.

7 **MR. WORLEY:** Okay. And you -- I
8 believe the record says that you suggested that if
9 they posted on your Facebook page a picture with
10 Ms. Bentley, Mr. Jamison, or Mr. Lockwood's campaign
11 signs, they would get a gift card, correct?

12 **MR. TITTLE:** That's correct. Well,
13 they would be eligible for it, yes.

14 **MR. WORLEY:** Right. They'd be
15 eligible, but you didn't make the same offer for the
16 opponents of Bentley, Jamison, and Lockwood.

17 **MR. TITTLE:** That's correct.

18 **MR. RAFFENSPERGER:** Thank you, sir.

19 **MR. TITTLE:** Sure. Thank you.

20 **MR. RAFFENSPERGER:** Members, do we have
21 any comment or a motion?

22 **MR. WORLEY:** Thank you, Mr. Chairman.

23 I think that it's very important for
24 this board and its actions to draw a very bright line
25 between -- or bright line that says we don't tolerate

1 offering money or anything else to vote on behalf of a
2 candidate.

3 And essentially what happened here was
4 the gift card was offered for someone to show they had
5 voted and to take a picture with a specific
6 candidate's campaign sign. And I think the
7 implication is that they're being rewarded for voting
8 for particular candidates. And I think we have to
9 have a very bright line against that.

10 There's not any indication in our
11 record that the candidates were named as respondents,
12 participated in that, but I think that -- I think that
13 we need to refer this case over at least as against
14 Mr. Tittle to the attorney general's office because a
15 mere letter of instruction is not sufficient in these
16 kinds of cases.

17 And I will make it a motion that we
18 refer the case against Mr. Tittle over to the attorney
19 general's office.

20 **MR. RAFFENSPERGER:** Do we have a
21 second?

22 **MS. SULLIVAN:** I understand,
23 Mr. Tittle -- I appreciate you coming in today and
24 explaining your part in the previous report.

25 I second the motion.

1 **MR. RAFFENSPERGER:** Any discussion on
2 the motion?

3 (no response)

4 **MR. RAFFENSPERGER:** Call the question.
5 All those in favor of referring this over to the
6 attorney general's office please signify by saying
7 aye.

8 **THE BOARD MEMBERS:** Aye.

9 **MR. RAFFENSPERGER:** Any opposed?
10 (no response)

11 **MR. RAFFENSPERGER:** Motion carries.

12 **MS. WATSON:** The next case is Tab 52,
13 Hall County, Tabulation, Case Number 2018-43.

14 On July 16, 2018, Lori Wurtz,
15 supervisor of Hall County elections, reported issues
16 her office experienced with a counter that led to
17 questions from the public concerning the accuracy of
18 election returns during the general primary of May 22,
19 2018. Two citizen candidates complained to the Hall
20 County Board of Election and Registration that they
21 did not observe all of the relevant names and races on
22 one of the DRE result tapes placed at the Candler
23 polling station.

24 Investigation shows that after the poll
25 closed on May 22, 2018 it was confirmed that one of

1 the results tapes at the Candler precinct in
2 Gainesville did not show some of the candidates. It
3 was reported that on election night, by the poll
4 manager, that there was a problem getting one of the
5 result tapes printed due to an issue with a printer.

6 After troubleshooting, it was
7 determined that the plastic cover over the printer of
8 the unit had somehow come unsnapped. Once the cover
9 was snapped closed, the printer started printing
10 again. It was not noticed at the time that the
11 printer had resumed printing without including all of
12 the candidates.

13 Further investigation confirmed that
14 the DRE memory card for the DRE unit, with the result
15 tape missing information, contained all the candidates
16 and votes cast. An examination of the DRE and the
17 precinct voter counts were confirmed, showing that no
18 votes not logged -- that no votes were lost.

19 Lori Wurtz now includes training to the
20 poll workers to check each result tape to verify that
21 a complete list of races is listed on each tape.

22 And we recommend Hall County Board of
23 Election and Voter Registration; Cassandra Glass, Hall
24 County poll manager be issued a letter of instruction.

25 **MR. RAFFENSPERGER:** Okay. If anyone

1 would like to speak to this case, come forward and
2 identify yourself.

3 **MS. WURTZ:** Good morning. I'm Lori
4 Wurtz. I'm the director of elections in Hall County.
5 And I'm a little nervous. This my first time here, so
6 I want to thank you for taking the time. I would like
7 to respond to -- I don't remember your name -- to what
8 she just read and let you know that we have taken some
9 actions in our office and those do include, as you
10 stated, the -- the poll-worker training.

11 Also, that poll manager has not worked
12 since that event happened.

13 In the training, regarding the closing
14 down the polling place has been enhanced by simply
15 slowing down and actually demonstrating to the poll
16 workers how this occurred. And the poll managers are
17 now verifying all machine tapes are the same length.
18 That's a really good way to quickly verify that
19 everything has printed because all the tapes would be
20 the same lengths since all of the machines contain the
21 same races and the same candidates.

22 Also I would like to point out that the
23 public counter on the results tape would total to
24 equal the total of all of votes cast in section B of
25 the DRE recap sheet which should equal the GEM

1 statement votes cast report for that same precinct.
2 And in this case, all three matched.

3 The SEB rule, 183-12.025(a)6, in my
4 opinion, was not violated as all tapes were hung on
5 the door of the precinct and they did reflect the
6 exact same count recorded on the DRE recap. The
7 information was easily verifiable by comparing the
8 public counter total which is located at the beginning
9 of the tape and was included in the printing of the
10 tape with the machine totals.

11 And I -- I do -- I don't want you to
12 think that it's not important for all of the races to
13 show on the tapes, I do believe that is very important
14 and the quick -- the quick test for that is are they
15 the same length and that will tell you that they're
16 all contained in the same races and candidates.

17 So moving forward, that's what we will
18 do in Hall County. But I would like to ask that you
19 consider dismissing this case based on the fact that
20 we did hang the tapes as -- as instructed. They were
21 verified because all of the numbers matched. The only
22 way you could've told that anything was different was
23 if you were a candidate and you went and looked on
24 there or as she did and saw that her name was missing.
25 Because all of the totals, the machine information at

1 the very beginning of the tape and all of the totals
2 displayed on the tape were verified and were accurate.

3 Thank you.

4 **MR. RAFFENSPERGER:** Thank you.

5 **MS. WURTZ:** Yes, sir.

6 **MR. RAFFENSPERGER:** Members, do you
7 have any comments or would anyone like to make a
8 motion?

9 **MS. SULLIVAN:** I'll ask a question.

10 Ms. Watson, is there a -- the
11 recommendation still stands to issue a letter of
12 instruction in this case --

13 **MS. WATSON:** Yes, that's right.

14 **MS. SULLIVAN:** -- based on a potential
15 violation of the code?

16 **MS. WATSON:** Yes.

17 **MR. WORLEY:** I would make a motion that
18 we issue a letter of instruction to Hall County in
19 Case Number 2018-43, though I appreciate very much
20 Ms.~Wurtz being here and explaining it and making it
21 clear this is a problem that will not occur again.

22 **MR. RAFFENSPERGER:** Second?

23 **MRS. LE:** I'll second that.

24 **MR. RAFFENSPERGER:** Okay, a second.

25 Any discussion on the motion?

1 (no response)

2 **MR. RAFFENSPERGER:** Those in favor
3 signify.

4 **THE BOARD MEMBERS:** Aye.

5 **MR. RAFFENSPERGER:** Any opposed?

6 (no response)

7 **MR. RAFFENSPERGER:** Motion carries.

8 We have the rest of these. Any other
9 case the board might like to pull off?

10 **MR. WORLEY:** Yes, Mr. Chairman. I
11 would like to pull off the following letter cases for
12 individual discussion: SEB Case Number 2015-092,
13 Houston County, in Tab 26; SEB Case Number 2016-048,
14 Mitchell County, Number 31 in the tabs; SEB Case
15 Number 2016-083, DeKalb County, vote buying, Tab
16 Number 35; SEB Case Number 2016-153, Clarke County,
17 prohibition on photography, Tab 44; SEB Case Number
18 2016-160, Newton County, prohibition on photography,
19 Tab Number 45; and finally SEB Case Number 2016-172,
20 restaurants vote offers, vote buying, Tab Number 48.

21 **MR. RAFFENSPERGER:** Okay. Got that
22 right. 92, 48, 83, 153, 160, 172?

23 **MR. WORLEY:** Say those again.

24 **MR. RAFFENSPERGER:** 92, 48, 83, 153,
25 160, 172.

1 **MR. WORLEY:** Right.

2 **MR. RAFFENSPERGER:** Any others that
3 people would like to pull off?

4 Members, do we want to take a
5 five-minute break? We'll be in recess for five
6 minutes.

7 (Break taken)

8 **MR. RAFFENSPERGER:** Okay, everyone.
9 We'll go ahead and get started. That would be great.
10 Okay. The first case we have that we'll be looking at
11 is Houston County, 2015-092.

12 **MR. LEWIS:** Thank you, Mr. Secretary.
13 It's Tab Number 26 in your binders.

14 On November 20, 2015, the secretary of
15 state's office received a complaint concerning a
16 posting by Larry Walker the III on his Facebook page.
17 At this time, Mr. Walker was running for the Georgia
18 Senate District 20 seat during the December
19 special-election runoff that year.

20 On the posting, it stated for every
21 Saturday voter showing a sticker, Larry will donate a
22 turkey to a family in need in Middle Georgia this
23 Thanksgiving. "Let's make a difference in our
24 community by voting for the right leader and helping
25 those in need."

1 Mr. Walker was contacted and he advised
2 that his campaign staff had made the post. He advised
3 that he had removed the post, that he was taking
4 responsibility for it. He said he ended up not
5 donating any turkeys because no one showed up except a
6 friend from church. Mr. Walker states that he's
7 trying to bring awareness to the election in general
8 and not generate votes for himself although he hopes
9 voters would vote for him.

10 In this case, we recommend that Larry
11 Walker the III be issued a letter of instruction for
12 the listed violation.

13 **MR. RAFFENSPERGER:** Is there anyone
14 from the audience that would like to speak to this?

15 (no response)

16 **MR. RAFFENSPERGER:** Any members would
17 like to speak to this?

18 **MR. WORLEY:** Yes, Mr. Chairman, thank
19 you. I believe for the same reason that I discussed
20 earlier, in relation to the Milton case, that this
21 case should be referred over to the attorney general's
22 office. The posting offers something of value, a
23 donation to charity essentially, and specifically asks
24 that the person votes for the right leader. So --
25 which was clearly Mr. Walker in this case. So I think

1 it's appropriate to refer it over to the attorney
2 general.

3 **MR. RAFFENSPERGER:** Anyone else want to
4 speak to this?

5 **MR. WORLEY:** I don't believe I actually
6 made a motion, but I would make a motion to refer the
7 case over to the attorney general's office.

8 **MR. RAFFENSPERGER:** Okay.

9 **MR. HARP:** I'm going to second that
10 motion.

11 **MR. RAFFENSPERGER:** We have a second.

12 **MS. SULLIVAN:** Second.

13 **MR. RAFFENSPERGER:** We have a second.

14 **MR. HARP:** I did say --

15 **MR. RAFFENSPERGER:** Okay, Senator Harp.
16 Any further discussion?

17 **MS. SULLIVAN:** Yes, Mr. Chairman, I
18 have a question. And I think it's the same -- similar
19 case that we discussed because we're talking about the
20 person who's voting is not receiving anything of value
21 and there is no promise to donate a turkey in
22 someone's name. And I'm not sure if that actually
23 constitutes a violation of election campaigning.

24 And also I think it would be very
25 difficult to establish a case to refer that over

1 because the individual's not receiving anything of
2 value. He's not promising to give anything of value.

3 So for that reason I think that I
4 probably would vote for a letter of instruction, but I
5 understand the motion's on the table.

6 **MR. WORLEY:** And if I could just
7 respond to that. I do believe it's a thing of value
8 and I think you're not -- I think the person who is
9 being offered this is getting something, some, you
10 know, good feeling, and the person who's receiving the
11 turkey is obviously getting something.

12 I think it would be helpful in a case
13 like this if it was referred to the attorney general's
14 office so the attorney general could look at that and
15 see if it was actually a violation of the law and
16 makes a determination. That's all.

17 **MR. RAFFENSPERGER:** Any further
18 discussion?

19 **MS. SULLIVAN:** Nothing further. My
20 concern is the attorney general's province to
21 determine whether or not an actual violation of the
22 law has occurred.

23 **MR. RAFFENSPERGER:** We'll call the
24 question. All of those in favor of the motion before
25 us, signify by saying aye.

1 **THE BOARD MEMBERS:** Aye.

2 **MR. RAFFENSPERGER:** Any of those
3 opposed?

4 (no response)

5 **MR. RAFFENSPERGER:** Motion carries.

6 **MR. LEWIS:** Mr. Secretary, the next
7 case that I have marked on the list is SEB 2016-048,
8 Mitchell County, gift to register. It's Tab Number 31
9 in your binders.

10 In March of 2016, Ronald Spence
11 reported a posting on Trasontra Williams' Facebook
12 page. She states the posting was offering a free
13 all-expenses-paid trip to Jacksonville Beach. It was
14 verified that the posting was located on Ms.~Williams'
15 Facebook page, saying: Attention, attention,
16 attention. We would like you to go to Jacksonville
17 Beach for an all-expense-paid trip at no cost to you.
18 To qualify you must be 18 to 25 years of age and must
19 become a registered voter in the next 14 days. And
20 once you're registered and contact -- you must contact
21 me and I will give you the final details.

22 Ms. Williams was interviewed and said
23 that she did make the post as part of her attempt to
24 get young people registered to vote. She states that
25 she was not aware it was a violation to do so. She

1 stated no one had contacted her stating they had
2 registered as a result of the posting.

3 We recommend that Ms. Williams received
4 a letter of instruction for the listed violation.

5 **MR. RAFFENSPERGER:** Okay. Anyone to
6 speak to this? Anyone from the crowd? Anyone?

7 **MR. WORLEY:** Mr. Chairman, thank you.
8 I would make a motion that would refer this over to
9 the attorney general's office for the same reasons
10 that I expressed in relation to the Houston County and
11 the Milton matters.

12 This is clearly offering something of
13 value to register which is within the prohibition
14 language of the statute.

15 **MR. RAFFENSPERGER:** Is that a motion?

16 **MR. WORLEY:** Yes, I'm sorry. I would
17 make a motion that would refer this over to the
18 attorney general's office.

19 **MR. HARP:** I'll second the motion.

20 **MR. RAFFENSPERGER:** We have a second.
21 Is there discussion? Any discussion on the motion?

22 (no response)

23 **MR. RAFFENSPERGER:** Hearing no
24 discussion, call the question. All of those in favor
25 of sending this to the attorney general's office

1 signify by saying aye.

2 **THE BOARD MEMBERS:** Aye.

3 **MR. RAFFENSPERGER:** Any opposed?

4 (no response)

5 **MR. RAFFENSPERGER:** Motion carries.

6 Mr. Lewis.

7 **MR. LEWIS:** Mr. Secretary, the next
8 case that I have is SEB 2016-083, DeKalb County, vote
9 buying.

10 In May of 2016, the complainant alleges
11 the City of Avondale Estates, which lies within DeKalb
12 County, had offered voters cupcakes in return for
13 voting in the May of 2016 general primary election.

14 Russ Madison was the complainant who
15 reported that the City of Avondale Estates' Facebook
16 page offered a free cupcake to anyone who voted in the
17 May election. There was also a Twitter posting
18 referring to the Facebook post. It was found that
19 Laura Haass, the owner of Icing and Cake Design Sweet
20 Boutique decided to offer voters a free mini cupcake
21 for having voted in the general primary.

22 Ms. Haass contacted the City of
23 Avondale Estates communication manager Debbie Revzin
24 and presented the offer and then posted the offer on
25 the city's Facebook page. Both Ms. Haass and

1 Ms.~Revzin advised they were trying to encourage
2 voting and not advocating for any particular
3 candidate. They both stated that they were not
4 familiar that it was a violation.

5 We would recommend the City of Avondale
6 Estates, Ms. Revzin, and Ms. Haass be issued a letter
7 of instruction for the listed violation.

8 **MR. RAFFENSPERGER:** Is there anyone
9 here to speak on that? Any member that would like to
10 speak to this?

11 **MR. WORLEY:** Thank you, Mr. Secretary.
12 I would make a motion to refer this case also over to
13 the attorney general's office. While it seems like a
14 very small thing to offer cupcakes, we have in the
15 case of other food items in the past referred cases
16 over to the attorney general's office.

17 And this case is particularly troubling
18 to me because we have the city itself offering an item
19 in violation of the law.

20 So again I would move that we forward
21 this case to the attorney general's office.

22 **MR. RAFFENSPERGER:** And that's in the
23 form of a motion?

24 **MR. WORLEY:** Yes.

25 **MR. RAFFENSPERGER:** Do we have a

1 second?

2 **MRS. LE:** I'll second it.

3 **MR. RAFFENSPERGER:** We have a second.

4 Is there any further discussion of the motion?

5 (no response)

6 **MR. RAFFENSPERGER:** Hearing none, call
7 the question. All those in favor of referring this to
8 the attorney general's office please signify by saying
9 aye.

10 **THE BOARD MEMBERS:** Aye.

11 **MR. RAFFENSPERGER:** Any opposed?

12 (no response)

13 **MR. RAFFENSPERGER:** None opposed.

14 Motion carries.

15 **MS. WATSON:** The next case is Tab 44,
16 2016-153, Clarke County, prohibition on photography.

17 On November 2, 2016, the complainant
18 forwarded a copy of the Facebook of Abel Klainbaum.
19 The page displayed a photograph of an electronic
20 ballot with the face of the DRE in it with wording
21 that indicated the image was of Klainbaum's own
22 ballot. Abel Klainbaum stated that he did take the
23 photo and post it to his Facebook page.

24 We recommend Abel Klainbaum be issued a
25 letter of instruction for the listed violation.

1 **MS. SULLIVAN:** Now, ms. Watson, was
2 this individual warned ahead of time that he was not
3 to use his cell phone? I believe we had that
4 presented in a case a minute ago where the complainant
5 was actually warned and did it anyway.

6 **MS. WATSON:** Right.

7 **MS. SULLIVAN:** Was this case similar --

8 **MS. WATSON:** Right. The poll workers
9 did not remember specifically, however they do state
10 that -- in general, that they advise all the voters
11 coming in are cautioned about using their cell phones.

12 **MS. SULLIVAN:** But they did not
13 remember --

14 **MS. WATSON:** No.

15 **MS. SULLIVAN:** -- a specific
16 conversation?

17 **MS. WATSON:** No.

18 **MR. WORLEY:** Well, if I could just
19 follow up on that, Ms. Watson. The report that we
20 have says Van Helden, who was the poll worker, stated
21 that he cautioned each individual who entered the
22 polling station not to use cell phones or photographic
23 devices and stated that he cautioned this individual
24 as well.

25 **MS. WATSON:** I stand corrected.

1 **MR. WORLEY:** I just wanted to make sure
2 that that was --

3 **MS. WATSON:** Correct.

4 **MR. WORLEY:** So under those
5 circumstances, I would make a motion that we refer
6 this case over to the attorney general's office.

7 **MR. RAFFENSPERGER:** Do we have a
8 second?

9 **MS. SULLIVAN:** I'll second it.

10 **MR. RAFFENSPERGER:** We have a second.
11 Any further discussion?

12 (no response)

13 **MR. RAFFENSPERGER:** All of those in
14 favor of referring this case over to the attorney
15 general's office please signify by saying aye.

16 **THE BOARD MEMBERS:** Aye.

17 **MR. RAFFENSPERGER:** Any opposed?

18 (no response)

19 **MR. RAFFENSPERGER:** Motion carries.

20 **MR. LEWIS:** The next case is Tab 45,
21 160, Newton County, prohibition on photography.

22 In November of 2016, complainant
23 reported a Facebook posting of James Aaron Brooks
24 which displayed a photograph of Mr. Brooks' ballot
25 with the face of the DRE in it. The complainant

1 observed the Facebook posting of James Aaron Brooks to
2 have two photographs of the DRE ballot screen with the
3 posting: My two favorite votes are in the pictures.
4 They told me to turn off my cell phone, but those of
5 you that know me know that I sometimes buck the system
6 a little bit.

7 The complainant also stated that there
8 was language on the posting to the effect that: I'm
9 hoping that someone reports me for taking a picture to
10 SOS office.

11 Also included in the Facebook posting
12 was a conversation between Brooks and outgoing circuit
13 district attorney Layla Zon. In the conversation,
14 Ms.~Zon cautioned Brooks as to the producing of the
15 photograph. Brooks responded by stating: I do
16 believe that taking pictures of the ballot screen was
17 found to be protected as a first-amendment right.

18 Mr. Brooks was contacted twice by the
19 investigator and asked if he would like to respond to
20 the allegation regarding taking the photograph of his
21 ballot. He declined to provide any statements.

22 We're recommending a letter of
23 instruction for the listed violation.

24 **MR. RAFFENSPERGER:** Any discussion?

25 **MR. WORLEY:** Well, it won't surprise

1 anyone at this point that -- that I think that we
2 should refer this matter as well to the attorney
3 general's office. If Mr. Brooks wants to challenge
4 the authority of the state to prohibit him from doing
5 that, then perhaps this is the right case for that to
6 happen. We have the attorney general to advise us on
7 that.

8 So I would make a motion to forward
9 this case to the attorney general's office for further
10 action.

11 **MS. SULLIVAN:** I'll second the motion.

12 **MR. RAFFENSPERGER:** Any discussion on
13 the motion?

14 (no response)

15 **MR. RAFFENSPERGER:** Hearing none, call
16 the question. All those in favor of referring this,
17 Case Number 2016-160, to the attorney general's office
18 please signify by saying aye.

19 **THE BOARD MEMBERS:** Aye.

20 **MR. RAFFENSPERGER:** Any opposed?

21 (no response)

22 **MR. RAFFENSPERGER:** Hearing none,
23 motion passes.

24 **MS. WATSON:** The next case I have is
25 Tab 48, Fulton County, restaurants vote offers,

1 2016-172.

2 On November 8, 2016, Heather Searles
3 reported improper offers having been put forth by
4 various metro Atlanta businesses concerning voting in
5 the general election of the same date. It was
6 reported that on the date of the election six vendors
7 advertised gratuities to individuals who could provide
8 proof that they had voted.

9 Investigation shows that Doc Chey's and
10 Osteria 382 (sic) offered double karma points on
11 election day for online orders regardless if the
12 customer had voted or not. We found no violation.

13 Chuck E. Cheese, in honor of election
14 day, was holding a vote-on-your-favorite-pizza
15 promotion and was not offering free pizza to those
16 providing proof of voting. We found no violation.

17 Krispy Kreme Doughnuts Corporation was
18 offering a free Doughnuts for those providing proof of
19 voting until they were made aware of the violation.
20 They immediately changed the posting to their website
21 and social media and started providing a free
22 Doughnuts to all patrons in honor of election day.

23 Firehouse Subs was offering a free
24 medium drink to any patron that was wearing a
25 "I voted" sticker. Once they were notified, they

1 stated they would change the offer to a free medium
2 drink to any patron on election day.

3 Gold's Gym offered a free workout
4 session to anyone who came in with an I-voted sticker
5 on Election Day. Jeannette Treckman, the vice
6 president and senior counsel for Gold's Gym, advised
7 they were not aware that Georgia election laws
8 prohibited such an offer, but would make sure that the
9 marketing department is aware for the future.

10 Get Dinner to Go offered a free drink
11 with a "I voted" sticker. The company was contacted
12 and spoke to Mr. Drexel Mitchell. Mr. Mitchell did
13 not advise that he would stop providing the offer.

14 We were recommending Krispy Kreme,
15 Firehouse Subs, Gold's Gym, and Get Dinner to Go be
16 issued a letter of instruction for the listed
17 violations.

18 **MR. RAFFENSPERGER:** Any discussion?

19 **MR. WORLEY:** I -- I would distinguish
20 this case -- or parts from what we've seen before. I
21 think that the offer by Krispy Kreme, Firehouse Subs,
22 and Gold's Gym was to anyone and not connected with
23 any individual candidate and those establishments
24 ceased making the offer as soon as they were notified.
25 So I would be in favor of sending those three a letter

1 of instruction.

2 But Get Dinner to Go apparently was
3 contacted by the investigations division, told there
4 was a violation of Georgia law, would not confirm that
5 they would remove the promotion. It remained posted
6 the rest of the day during the general election. And
7 finally an e-mail from one of the operators suggested
8 they would continue the offer.

9 So under those circumstances, I would
10 make a motion to send a letter of instruction to
11 Krispy Kreme, Firehouse Subs, and Gold's Gym, and
12 refer Get Dinner to Go over to the attorney's general
13 office.

14 **MR. RAFFENSPERGER:** Do we have a
15 second?

16 **MR. HARP:** Second.

17 **MR. RAFFENSPERGER:** We have a second.
18 Do we have any discussion on the motion?

19 (no response)

20 **MR. RAFFENSPERGER:** Hearing none, I'll
21 call the question. All those in favor of referring
22 letters of instructions in Case Number 2016-172 for
23 Krispy Kreme, Firehouse Subs, and Gold's Gym, and
24 referring Get Dinner to Go to the attorney general's
25 office for further review signify by saying aye.

1 **THE BOARD MEMBERS:** Aye.

2 **MR. RAFFENSPERGER:** Any opposed?

3 (no response)

4 **MR. RAFFENSPERGER:** Motion carries.

5 We have the remaining cases before you

6 to be voted on as a block. Do I have that correct?

7 Is that before you? Do we have a motion?

8 **MS. SULLIVAN:** I move that letters of

9 instruction be issued in the remaining cases that we

10 have not discussed in the majority as recommended.

11 **MR. RAFFENSPERGER:** Do we have a

12 second?

13 **MR. WORLEY:** I will second that.

14 **MR. RAFFENSPERGER:** We have a second.

15 Any discussion on that?

16 (no response)

17 **MR. RAFFENSPERGER:** Hearing none, all

18 those in favor of referring that -- providing letters

19 of instruction for the remaining cases -- hearing

20 none, all those in favor say aye.

21 **THE BOARD MEMBERS:** Aye.

22 **MR. RAFFENSPERGER:** Any opposed?

23 (no response)

24 **MR. RAFFENSPERGER:** Hearing none,

25 motion carries.

1 We now have our new cases before us,
2 Mr. Lewis. I guess we can call these to see who's
3 here, in place.

4 SEB Case Number 2015-008 City of
5 DeSoto, Sumter County.

6 **MR. LEWIS:** Mr. Secretary, that case
7 was continued.

8 **MR. RAFFENSPERGER:** Okay.

9 **MR. LEWIS:** I apologize. It was not
10 updated on your list.

11 **MR. RAFFENSPERGER:** Case Number
12 2015-022, Lumpkin County, possible repeat voting.

13 **MR. WOLFF:** Good morning,
14 Mr.~Secretary. Jeff Wolff on behalf of Jason Wetzel.
15 Mr. Wetzel is also here.

16 **MR. RAFFENSPERGER:** Okay, thank you.
17 Case 2015-074, City of Cordele. Is
18 anybody here to speak on that?

19 **MR. LEWIS:** Mr. Secretary, they're not
20 going to be present today. This case was presented at
21 our last meeting, and I think the board had a tie on
22 the vote. We were instructed to bring it back here.
23 We brought it back today. We have letters from the
24 respondents in this case we'll pass out for a
25 presentation.

1 **MR. RAFFENSPERGER:** Okay.

2 Next case 2015-084, City of Roswell,
3 precinct changes. Anyone?

4 **MR. BARRON:** Rick Barron, Fulton
5 County.

6 **MR. RAFFENSPERGER:** Case 2015-087, City
7 of Demorest in Habersham County, repeat voter. No one
8 here.

9 2015-093, Hall County, precinct change
10 (indicating).

11 2015-095, City of Rossville, Walker
12 County.

13 **MS. MERRELL:** Your Honor, Donna Merrell
14 on behalf of the City of Rossville. I'm here with the
15 city clerk Ms. Sherry Foster and Ms. Russanna Jenkins
16 with the city is here.

17 **MR. RAFFENSPERGER:** Thank you.

18 **MS. MERRELL:** Thank you.

19 **MR. RAFFENSPERGER:** 2015-100, DeKalb
20 County, absentee ballot.

21 **MR. BRYAN:** Bennett Bryan on behalf of
22 DeKalb County. I'm here with the chairman of the
23 DeKalb County Board of Registration and Elections and
24 our director of elections, along with several members
25 of our election staff.

1 **MR. RAFFENSPERGER:** Thank you.
2 2016-006, Paulding County.
3 **MS. HOLDEN:** Deidre Holden, election
4 supervisor.
5 **MR. RAFFENSPERGER:** Thank you.
6 2016-007, Pike County.
7 2016-008, Douglas County.
8 **MR. COLE:** I'm David Cole for Douglas
9 County. I'm also here with Milton Kidd, the election
10 supervisor, and Moises (ph.) Bowman, the deputy
11 supervisor.
12 **MR. RAFFENSPERGER:** Thank you.
13 2016-009, Paulding County.
14 **MS. HOLDEN:** Deidre Holden, Paulding
15 County.
16 **MR. RAFFENSPERGER:** 2016-010 in
17 Bleckley.
18 2016-014, Glynn County.
19 2016-023 in Clayton County.
20 **MR. REID:** Charles Reid on behalf of
21 Clayton County along with Laterrial Francis.
22 **MR. RAFFENSPERGER:** 2016-052, Gwinnett
23 County.
24 We'll go in the order of those that --
25 of people that are here on their cases. I believe

1 that starts us with Tab 54.

2 Mr. Lewis.

3 **MR. LEWIS:** Yes, sir, Mr. Secretary.

4 The first case will be 2015-022,
5 Lumpkin County, possible double voter.

6 In May of 2015, it was reported by the
7 North Carolina Board of Elections that Jason Wetzel
8 may have been voting in North Carolina and Georgia.
9 Mr. Wetzel registered as a voter on September 9, 2011
10 in Lumpkin County, Georgia. Mr. Wetzel then
11 registered as a voter in North Carolina on March 8,
12 2012, in Cumberland County, and his voter status in
13 Georgia remained active.

14 Mr. Wetzel voted in person in North
15 Carolina in the primary election on May 8, 2012 and
16 then voted by absentee ballot in Georgia on July 31,
17 2012 for the Lumpkin County election. In person again
18 in North Carolina on November 6, 2012 and by absentee
19 ballot in Georgia for the Lumpkin County election on
20 November 6, 2012. In person again in North Carolina
21 for the November 4, 2014 election and then by absentee
22 ballot in Georgia for the Lumpkin County election of
23 2014.

24 It was determined through voting
25 documents and Mr. Wetzel's admission in an interview

1 with North Carolina law enforcement that he did admit
2 to voting in North Carolina and Georgia.

3 In a lot of this activity, we
4 referenced his voting registration to O.C.G.A.
5 21-2-217. In determining the residence of a person
6 desiring to register to vote or to qualify to run for
7 an elective office, the following rules follow as far
8 as they're applicable. Paragraph 13, that code
9 section states: If a person goes into another state
10 and while there exercises the right of a citizen by
11 voting, such person shall be considered to have lost
12 such person's residence in this state.

13 We would recommend that Jason Wilton
14 Wetzel be bound over to the attorney general's office
15 for the four listed violations in the report.

16 **MR. RAFFENSPERGER:** Okay. I believe
17 there's some folks here to speak to this case.

18 State again for the record who you are,
19 please.

20 **MR. WOLFF:** Thank you,
21 Mr.~Secretary. My name is Jeff Wolff. I'm here on
22 behalf of Mr.~Wetzel. Mr. Wetzel's here as well. I'm
23 going to give a brief statement and then my client
24 will give a brief statement, and, of course, he would
25 be happy to answer any questions.

1 I do have some medical documentation
2 that I'd like to hand out briefly if I may.

3 **MR. RAFFENSPERGER:** Please.

4 (Respondent's counsel handed documents to
5 the board members.)

6 **MR. RAFFENSPERGER:** Would you like to
7 move to enter this into the record also?

8 **MR. WOLFF:** I would like to move that
9 into the record. Thank you.

10 **MR. RAFFENSPERGER:** So moved.

11 **MR. WOLFF:** This is my first time
12 appearing, so I'm a little lacking on procedure.

13 I'm handing you just a brief medical
14 record. The situation -- first of all, my client
15 fully accepts responsibility and we don't dispute any
16 of the facts as related. My client admits to
17 violating Georgia election law.

18 We're here just to give a brief
19 explanation that my client was suffering some serious
20 medical problems at the time. The issue is that my
21 client had -- he was suffering from sleep apnea. It
22 caused hypoxia and it caused some serious issues with
23 memory.

24 My client doesn't know why he did this,
25 but once he -- for the first time in his life ever, in

1 his late 60s and early 70s, violated the law. He
2 went back and tried to understand why this may have
3 happened. My client has a long history of teaching
4 history. He was a civilian archivist with the U.S.
5 Army and certainly was not politically or criminally
6 motivated when he violated Georgia and North Carolina
7 election law. So we just offer this to show you that
8 there were some issues going on with him medically and
9 with his memory.

10 Further, I want to explain to the board
11 that he was punished in North Carolina. He was
12 criminally prosecuted. It was a deferred prosecution
13 but he paid fines. He had a mental evaluation. He
14 had a substance abuse evaluation and he did community
15 service. And so we want you to take that into
16 consideration as well.

17 That's essentially what we want you to
18 know. We are asking the board to consider a letter in
19 place of referral to the attorney general. My client
20 would like to make a statement, and he is available
21 for any questions as well.

22 **MR. WETZEL:** Thank you. What I did was
23 wrong and I take full responsibility for everything.
24 I deeply regret the problems I have caused the state.
25 I humbly ask for forgiveness. I did break the law,

1 but I did not break it with premeditation. All my
2 life I've obeyed our laws and lived to do the right
3 thing for myself, my family, and my community.

4 Yes, I did break the law, but
5 inadvertently and not with forethought. This was due
6 to health problems that impaired my memory and thought
7 processes. I have never been in trouble with the law.
8 I have always been civic-minded and worked to give
9 back to my community through volunteer organizations.

10 How could I do something that would fly
11 in the face of everything these groups represent? I
12 am filled with remorse that this has occurred. This
13 is a living nightmare for me. I attribute this costly
14 tragedy to my health problems. I am humiliated that I
15 brought such shame onto myself and anguish and
16 embarrassment to my family. I apologize for all of us
17 having to be here today and I ask for your
18 understanding and forgiveness. Thank you.

19 **MR. WOLFF:** Are there any questions?

20 **MR. RAFFENSPERGER:** Members, do you
21 want to ask him any questions?

22 **MR. WORLEY:** I had some questions and
23 either of you can answer these. First of all, how
24 much was Mr. Wetzel fined and how many hours of
25 community service did he do?

1 **MR. WOLFF:** Total fine including court
2 costs, \$380, and total community service, 25 hours.

3 **MR. WORLEY:** And could you just clarify
4 for me, was -- during this long period when these
5 violations occurred, was Mr. Wetzel living in both
6 states? Did he have residences in both states?

7 **MR. WOLFF:** Thank you, for -- I meant
8 to talk to that, but I didn't want to take too much
9 time. So Mr. Wetzel's legal residence we would argue
10 was in Lumpkin County, Georgia. He had bought
11 property in 2010 -- well, 2008, I think, and built the
12 home in 2010.

13 **MR. WETZEL:** In 1995, I bought the
14 property. I built the house in 2010.

15 **MR. WOLFF:** Okay.

16 And that was his -- that would be his
17 legal residence. He was commuting to Fayetteville,
18 Fort Bragg, and working on as a civilian for DMD. So
19 he commuted every week. His life partner of 30 years
20 lived in his Dahlonga house. He had -- I mean, we
21 have a lot of other evidence. I have a library card
22 and other things that would -- I have a number of
23 things, his driver's license -- I have a number of --
24 a number of things would show -- that would normally
25 show residency.

1 But the fact is that Georgia law --
2 he -- it revoked his res -- it revoked his residency
3 for voting purposes once he registered in North
4 Carolina. So, you know, I didn't want to get into
5 that whole argument because as a matter of law, he --
6 he lost his residency for voting purposes once he
7 registered to vote in North Carolina.

8 But, however, you know, as long as
9 we're talking about that, I mean, someone does have a
10 right to vote in one place in a general sense. He
11 lost that right once he registered in two places, as a
12 matter of law. But, you know, legally, yes, he was a
13 resident of Georgia, Lumpkin County specifically.

14 And he was commuting every week and
15 that added to his health problems in his late 60s.
16 He has apnea. He had other problems. That was just
17 the most pronounced. So he was commuting from
18 Dahlonega to Fort Bragg. It's about a seven-hour
19 commute.

20 **MR. WORLEY:** Thank you.

21 **MRS. LE:** Thank you for being here,
22 Mr. Wetzel. I have a question. Some of these
23 violations go back to 2012, and I see from your
24 medical records that it dates to 2015. Did you have
25 these conditions that may have impaired your thought

1 process during that time?

2 **MR. WETZEL:** Yes, ma'am. We -- we knew
3 something was amiss because of my memory issues that
4 were affecting my job and my personal life. We didn't
5 know what it was, and I was going through different
6 doctors and trying to ascertain what was going on.
7 And it wasn't until 2015 that we said something is
8 wrong. This is when it came to light. These problem
9 which affected my memory, I couldn't answer properly.

10 And so we knew something was wrong, and
11 it was advised that I seek medical help and try to
12 ascertain and get to the root of the problem which was
13 eventually diagnosed as hypoxia which is a lack of
14 oxygen to the brain causing memory issues, and then
15 resulting in an operation in 2016 that helped with the
16 airflow.

17 **MR. WOLFF:** And I just want to point
18 out in the opening paragraph of the clinical note that
19 it does say onset was gradual five years ago. So the
20 note is dated 2015, but it would -- if you take the
21 gradual onset, that would take it back to 2010 back
22 from 2015.

23 **MR. HARP:** Mr. Wetzel, are you a
24 veteran?

25 **MR. WETZEL:** No, sir. I served as a --

1 **MR. HARP:** I'm sorry, sir?

2 **MR. WETZEL:** I served as a civilian for
3 the Army. It was for the government.

4 **MR. HARP:** Do you receive any benefits
5 from the VA?

6 **MR. WETZEL:** No. No, sir.

7 **MR. HARP:** Have you applied?

8 **MR. WETZEL:** I'm not eligible for VA
9 benefits I do not believe. I don't think so.

10 **MR. HARP:** That's it.

11 **MR. RAFFENSPERGER:** Any further
12 questions? Any discussion? Anyone like to make a
13 motion?

14 **MR. WORLEY:** I'll make a motion and
15 make a comment beforehand. I appreciate the
16 circumstances that Mr. Wetzel and his attorney
17 described, however, I think the fact that he's paid a
18 fine in another state, done community service in
19 another state is something that should be taken into
20 account in assessing the penalty that we would impose.

21 I think a penalty more severe than just
22 a letter of instruction is warranted and for that
23 reason I move that we refer the case to the attorney
24 general's office.

25 **MR. RAFFENSPERGER:** Do we have a

1 second?

2 **MS. SULLIVAN:** I'll second Mr. Worley's
3 motion, understanding that the attorney general may
4 take into consideration that the fine and community
5 service already assessed in North Carolina in
6 determining what's appropriate for the consent form.
7 So I second the motion.

8 **MR. RAFFENSPERGER:** We have a second.
9 Any discussion on the motion.

10 (no response)

11 **MR. RAFFENSPERGER:** Hearing none, all
12 those in favor of referring this to the attorney's
13 generals office in Case Number 2015-022 please signify
14 by saying aye.

15 **THE BOARD MEMBERS:** Aye.

16 **MR. RAFFENSPERGER:** Any opposed?

17 (no response)

18 **MR. RAFFENSPERGER:** Motion carries.

19 **MR. LEWIS:** Mr. Secretary, the next
20 case that I have marked is SEB 2015-084, the City of
21 Roswell, Fulton County, precinct changes.

22 In November of 2015, three complainants
23 advised of a situation regarding the change in their
24 polling location in Fulton County. The complainants
25 stated that they did not received proper notification

1 that their precinct had been changed from the Bridge
2 to Grace Church to the East Roswell Library until
3 either just before or on the day of the general
4 election in November of 2015.

5 The complainants also advised that they
6 had not yet received their new voter registration
7 cards indicating the change in location.

8 Investigation revealed that Fulton
9 County Registration and Elections did in fact change
10 the location, the RW20 poll from Bridge to Grace
11 Church to the East Roswell Library. The change was
12 published in the legal organ for Fulton County on
13 September the 16th and again on September 21, 2015.
14 The notice said that all voters would be notified
15 immediately by mail of the change. The complainants
16 did not receive a letter or an updated voter
17 registration card prior to the November 2015 election.

18 New voter registration cards were
19 requested for the precinct change in February of 2016.
20 Also the pastor of the Bridge to Grace Church stated
21 that he never received official notification from
22 Fulton County regarding the change in polling
23 locations. Fulton County advised that no letter or
24 other form of notification was forwarded to the
25 church.

1 We would recommend the Fulton County
2 Board of Elections be bound over to the attorney
3 general's office for two twenty -- twenty-six (e) in
4 violation of duties of the issuance of the new
5 registration cards, and the Fulton County Board of
6 Elections and Registration also be bound over to the
7 attorney general's office for two -- 21-2-265, that
8 has the superintendent selecting poll locations.
9 First cite's for the board, the second cite's for the
10 board, and Rick Barron, election supervisor.

11 **MR. RAFFENSPERGER:** Would someone like
12 to speak to this?

13 **MR. BARRON:** Good morning,
14 Mr.~Secretary.

15 **MR. RAFFENSPERGER:** Provide your name.

16 **MR. BARRON:** Rick Barron, Director of
17 Registration and Elections for Fulton County. Good
18 morning, Mr.~Secretary and members of the board. Good
19 morning, Mr. Russell.

20 We -- we don't dispute the facts on
21 this, although with -- with regard to notifying the
22 church, I can't imagine that we would've moved the
23 polling place there without -- without knowledge of
24 the -- without the church knowing. We -- we did have,
25 I believe if you check the records, 34 polling place

1 changes in that election cycle.

2 We have since changed the way that
3 we -- that the election side notifies our voter
4 registration side of the changes. Those cards now can
5 be -- we process those proposals as they come out of
6 the board of registration and election meeting. And
7 if they -- if any of those changes have to go to the
8 board of commissioners afterwards for approval, after
9 the board responds -- or after the boards of
10 registration and elections approved them, then those
11 are -- the voter registration division is notified
12 after the board of commissioners approves that one.

13 That's it.

14 **MR. RAFFENSPERGER:** Any members like to
15 ask any questions?

16 (no response)

17 **MR. RAFFENSPERGER:** Thank you.

18 Is there a motion? Any discussion for
19 the motion? What is the rule of the committee?

20 **MR. WORLEY:** I actually would ask
21 Mr.~Barron a couple of other questions if he wouldn't
22 mind coming back up.

23 **MR. BARRON:** Sure.

24 **MR. RAFFENSPERGER:** Thank you.

25 **MR. WORLEY:** The pastor of the church

1 said that he never received any official notification.
2 Is it normal to send those out in writing?

3 **MR. BARRON:** We -- we have contacts at
4 all of our polling locations. And my -- the staff
5 member that -- that does that, it may be that there
6 was somebody else in the church in which she was in
7 contact. We also -- one thing that I -- that I was
8 remiss in saying earlier, that the polling place was
9 across the street and we did -- I do have
10 documentation showing that we did order signs to put
11 at the old polling place.

12 **MR. WORLEY:** Okay. And -- but there's
13 no -- it's not your normal practice to notify the
14 locations in writing?

15 **MR. BARRON:** Yes. We -- we do notify
16 them in writing.

17 **MR. WORLEY:** Okay.

18 **MR. BARRON:** But there's contact made
19 by phone first and then -- then we do contact them in
20 writing, but I -- I'm not sure of the size of the
21 church, but it could be that there was somebody and
22 the office administrator or manager may have been
23 known about it without the pastor knowing that --

24 **MR. WORLEY:** Do you -- do you keep a
25 record of --

1 **MR. BARRON:** Yes.

2 **MR. WORLEY:** -- the written notices
3 that you sent to the church?

4 **MR. BARRON:** Yeah, I can get that to
5 the board if you so wish.

6 **MR. WORLEY:** Okay. And then do you
7 keep a record of whether the voters are notified in
8 writing?

9 **MR. BARRON:** We do -- you know, we
10 don't dispute the fact that we didn't order for that
11 precinct.

12 **MR. WORLEY:** Okay. All right.
13 That's all.

14 **MR. RAFFENSPERGER:** Thank you.
15 Do we have a motion?

16 **MRS. LE:** I move to send it to the AG's
17 office.

18 **MR. RAFFENSPERGER:** We have a motion to
19 send this to the attorney general's office. Do we
20 have a second?

21 **MS. SULLIVAN:** I'll second the motion.

22 **MR. RAFFENSPERGER:** We have a second.
23 Do we have discussions on this case?

24 (no response)

25 **MR. RAFFENSPERGER:** Hearing none, I'll

1 call the question. All those in favor of referring
2 this case, Case Number 2015-084, to the attorney
3 general's office please signify by saying aye.

4 **THE BOARD MEMBERS:** Aye.

5 **MR. RAFFENSPERGER:** Anyone opposed?

6 (no response)

7 **MR. RAFFENSPERGER:** Motion carries.

8 **MR. LEWIS:** Mr. Secretary, the next
9 case I have marked is SEB 2015-093, Hall County,
10 notice of change in polling location.

11 In December 2015, an investigation was
12 conducted to determine if the Hall County Board of
13 Elections and Registration properly notified voters of
14 a poll change during the November 2015 special
15 election.

16 It was also alleged that the Hall
17 County Board of Elections and Registration failed to
18 print signs and ballots in Spanish and that Saturday
19 voting had been limited or omitted from a poll because
20 poll workers weren't trained to access the voter
21 registration files.

22 In reference to the Saturday vote
23 location, Hall County actually had three voting
24 locations open, so there was no evidence to support
25 any violations of limited access for the voters for

1 any reason. In addition to that, Hall County is not
2 currently mandated to have bilingual requirements
3 regarding signage or ballots, so there was no finding
4 for those allegations either.

5 Regarding the notification of poll
6 location changes, it was found that the Glade
7 Precinct, District 12 was voting in the Hall County
8 Health Department and was moved to the East Hall
9 Community Center. Notification was posted in the
10 legal organ with signage at the previous location.
11 However, electors were not provided with updated
12 precinct cards until after the November 2015 election.
13 Cards were ordered on November the 12th.

14 We would recommend the Hall County
15 Board of Elections and Registration be bound over to
16 the attorney general's office for the listed
17 violation.

18 **MR. RAFFENSPERGER:** And come forward.
19 State your name for the record, please.

20 **MS. WURTZ:** Hello, again. Lori Wurtz,
21 director of Hall County Elections, and I have with me
22 the former director Charlotte Sosebee who was the
23 director in 2015.

24 While we acknowledge that this
25 happened, it was an oversight, and I don't have any

1 personal knowledge because I wasn't there. I've only
2 been there for a year. So I'm going to ask
3 Miss Charlotte to answer any questions you might have.

4 **MR. RAFFENSPERGER:** Please state your
5 name for the record, please.

6 **MS. SOSEBEE:** Yes. My name is
7 Charlotte Sosebee. I currently serve as the director
8 of elections for Athens-Clarke County, formerly from
9 Hall County.

10 And in 2015, there were polling
11 location changes made. In addition to the cards being
12 printed to the voters, according to 21-2-235, there is
13 a need to post signs in three locations within the
14 vicinity as well as at the location.

15 And that particular location previously
16 was a library. It was torn down by the county and
17 became the Hall County Employee Clinic. There was no
18 room to have the election there. We -- of course, I
19 surveyed the location and it was not conducive for the
20 voters. So the sign was placed there. There were two
21 other -- or three other locations in the vicinity of
22 the area where the signs were also placed as the code
23 section requires. There were notices in the paper.
24 There were notices on our website. So we did
25 everything except double-check to make sure that

1 polling location had cards.

2 We had received phone calls and noticed
3 that there was a box of undelivered cards, and we
4 just -- I'm going to say presumed that the people that
5 were calling may have not gotten their cards because
6 of undelivered mail. So I started to inquire within
7 the office, people are staff members who lived in that
8 precinct and they said they hadn't gotten their cards.

9 We had an E-SPLOST election in November
10 where it was a county-wide election and it was then
11 that I thought well, let me go back and check the
12 system. We had everything written down, did
13 everything we were supposed to do, but we failed to
14 put the Glade precinct in our changes. What we did is
15 we combined the precinct that was attached and sent
16 those voters to the East Hall Community Center.

17 So the voters were not denied the right
18 to vote because they were directed to that location.
19 So if a voter had gone to that particular polling
20 location, they would've seen the sign out front. That
21 sign remained there until the election -- the
22 following county-wide election which was, I believe,
23 in March of that year, which was the PPP.

24 And from that point, prior to me
25 leaving, if I made any corrections like that, I made

1 sure somebody double-checked. And Lori does that and
2 we both agree, you know, this favorite quote:
3 Teamwork makes the dream work. So we work in teams,
4 and I carried that procedure with me to Athens-Clarke
5 County to make sure that somebody double-checks behind
6 me to make sure that we include all who should be
7 included.

8 **MR. RAFFENSPERGER:** Any of the members
9 have any questions?

10 **MRS. LE:** I have a question. How far
11 is the distance between the change? If someone were
12 to show up, they made arrangements to go to one place
13 and have to redirect, how cumbersome -- how difficult
14 would it have been between --

15 **MS. SOSEBEE:** It was two and a half
16 miles. Not quite three. And we did everything, like
17 I said, we were supposed to do. We informed the
18 secretary of state's office. And at the time we
19 weren't even supposed to send it to the US Department
20 of Justice. Across the street reinforcement. We did
21 everything we were supposed to do. Again, like I
22 said, when we went through -- back through the list --
23 and I -- I've said -- I'm sitting there and I'm naming
24 all of the precincts, I think it was about seven. And
25 when I got to that one, I was like: Oh no, we missed

1 that one somehow. And immediately I ordered those
2 cards and sent them. And again, it was after the
3 election and that was a very low turn-out election.
4 It was the E-SPLIST unfortunately, but those voters
5 were still allowed to vote and had -- if they had
6 shown up at that polling location, they would have
7 seen a sign.

8 **MR. RAFFENSPERGER:** Anything from the
9 members?

10 (no response)

11 **MR. RAFFENSPERGER:** Thank you.

12 **MS. SOSEBEE:** Thank you.

13 **MR. RAFFENSPERGER:** Okay, you have that
14 before you. Do we have a motion?

15 **MR. WORLEY:** Well, I think if we want
16 to be consistent with our previous actions, we need to
17 refer this case over to the attorney general as well.
18 And I would make a motion to do that.

19 **MR. RAFFENSPERGER:** Okay, we have a
20 motion. Do we have a second?

21 **MRS. LE:** Second that.

22 **MR. RAFFENSPERGER:** We have a second.
23 Any further discussion?

24 (no response)

25 **MR. RAFFENSPERGER:** Hearing none, all

1 those in favor of referring Case Number 2015-093, Hall
2 County, to the attorney general's office please
3 signify by saying aye.

4 **THE BOARD MEMBERS:** Aye.

5 **MR. RAFFENSPERGER:** Anyone opposed?

6 (no response)

7 **MR. RAFFENSPERGER:** Motion carries.

8 **MR. LEWIS:** Thank you, Mr. Secretary.

9 The next case that I show is SEB
10 2015-095, City of Rossville, Walker County, spoiled
11 ballot. Should be Tab Number 59 in your binders.

12 November of 2015, multiple
13 complainants, five, reported issues with the municipal
14 general election ballot in the City of Rossville for
15 November 3, 2015. It was reported that five ballots
16 were marked spoiled by the city elections officials
17 and not counted.

18 The complainants reported the lack of
19 clear instructions for writing in a candidate on the
20 ballot helped contribute to the problem. It was also
21 reported that one section of the ballot was
22 completely -- completed improperly, the entire ballot
23 was discarded in its entirety.

24 Election Supervisor Jenkins reviewed
25 the ballots and tabulation and rejected five ballots

1 in their entirety. One ballot was rejected because
2 the voter had selected all three city council
3 candidates instead of only two. However, the voter
4 was not given credit for the mayoral vote properly
5 cast. The remaining four ballots had a write-in
6 candidate with no title of office included. However,
7 each of those ballots had correctly voted for the city
8 council candidates, two of three, but they were not
9 given credit for those selections.

10 The format of the ballot was not in
11 compliance with election code as the instructions on
12 the ballot itself were not complete and did not
13 explain the entire process of how an elector should
14 cast the vote for a write-in candidate in the space
15 provided. Because the votes were incorrectly cast, it
16 should not invalidate the votes on the remainder of
17 the ballot that's otherwise properly marked.

18 We would recommend the City of
19 Rossville and Russanna Jenkins, the city elections
20 supervisor, be bound over to the attorney general's
21 office for the listed violations.

22 **MR. RAFFENSPERGER:** Okay. There's
23 people here to speak to that.

24 **MS. MERRELL:** Yes. Thank you.

25 **MR. RAFFENSPERGER:** Yes. State your

1 name for the record.

2 **MS. MERRELL:** Yes, Mr. Secretary. My
3 name is Donna Merrill.

4 **MR. RAFFENSPERGER:** Yes, use the
5 microphone.

6 **MS. MERRELL:** Thank you. My name is
7 Donna Merrell, spelled M-e-r-r-e-l-l. I'm the
8 attorney representing the City of Rossville here
9 today, and I thank Mr. Secretary and members of the
10 board for hearing from her.

11 For over 30 years, the City of
12 Rossville used the same election ballot without
13 incident and followed their same procedures which
14 included instructions in each voting booth for how to
15 cast write-in ballots. They did not realize they were
16 in violation. We were not representing them at the
17 time. We began representing them last year.

18 We let them know that their ballot was
19 deficient. They had us create a new ballot. Then
20 upon reconsideration, we decided the very best option
21 for the city was to outsource the elections. We are
22 currently in negotiations with Walker County for them
23 to take over the election process from the City of
24 Rossville. At the time of these alleged violations,
25 the City of Rossville thought they were doing the

1 right thing. They did not certify themselves until
2 they contacted their liaison down here at the
3 secretary of state's office, Mr. Xavier Harris. They
4 told him about the spoiled ballots and that they did
5 not determine the intent of the voters and what they
6 were doing with the spoiled ballots. They sealed up
7 the spoiled ballots and have not opened them since.
8 They thought they were doing the right thing at the
9 time. They tried to obtain guidance from myself, the
10 secretary of state's office and have now planned to
11 outsource their elections.

12 So we would ask for something less than
13 referral to the attorney general's office since
14 they've taken all of the steps possible to correct
15 this problem moving forward.

16 Do you have any questions? This is
17 Ms.~Russanna Jenkins.

18 **MR. WORLEY:** I have a question. You've
19 indicated -- not for Ms. Jenkins, for your lawyer.
20 You indicated that for 30 years the City of Rossville
21 always did the election the same way. And they -- is
22 that the manner in which the errors occurred? Or did
23 that occur after the change in the election process?

24 **MS. MERRELL:** So this has been going on
25 for the whole 30 years. They never had a problem

1 alleged until the 2015 election. And from that point
2 they made the changes. No one had complained to them
3 prior. They didn't realize there was a problem with
4 their ballot.

5 **MR. WORLEY:** Okay.

6 **MR. RAFFENSPERGER:** Any other
7 questions?

8 **MR. WORLEY:** Actually, I think I have
9 another question. So there was no previous problem
10 with the structure of the ballot, the format of the
11 ballot, but there was a problem in this instance with
12 the way the ballots were counted in addition to the
13 structure, correct?

14 **MS. MERRELL:** So it's my
15 understanding -- and Ms. Jenkins is here if I say
16 anything that's incorrect, but it's my understanding
17 that where a ballot had a write-in candidate, they
18 were supposed to designate -- we had the instructions
19 that were contained in each booth where they were
20 supposed to write in that candidate, they were also
21 supposed to write in "city council" or "mayor" along
22 with their vote. Voters that only wrote a write-in
23 candidate and did not designate whether that was for
24 the office of mayor or the office of city council,
25 those votes were not counted.

1 **MR. LEWIS:** Mr. Worley, I think for
2 clarity, if I may, the ballot was in two parts, and
3 they would post a second sheet of instructions in the
4 voting booth and a lot of the voters did not see --
5 because they were looking at their ballot, they didn't
6 see the second set of instructions. The format should
7 be all in one piece.

8 **MS. MERRELL:** And as we indicated, they
9 corrected that but then we decided to go a step
10 further and just outsource the elections altogether to
11 Walker County going forward.

12 **MR. RAFFENSPERGER:** Any questions?

13 (no response)

14 **MR. RAFFENSPERGER:** Thank you.

15 **MS. MERRELL:** Thank you. We appreciate
16 your time.

17 **MR. RAFFENSPERGER:** The case is before
18 you. Do we have a motion?

19 **MS. SULLIVAN:** I'm going to make a
20 motion that this case be bound over to the attorney
21 general's office as recommended.

22 **MR. WORLEY:** I second that.

23 **MR. RAFFENSPERGER:** Any discussion on
24 the motion?

25 (no response)

1 **MR. RAFFENSPERGER:** Hearing none, all
2 those in favor of sending to -- referring this to the
3 attorney general's office, Case Number 2015-095,
4 please say aye.

5 **THE BOARD MEMBERS:** Aye.

6 **MR. RAFFENSPERGER:** Any opposed?

7 (no response)

8 **MR. RAFFENSPERGER:** Motion carries.

9 **MR. LEWIS:** Mr. Secretary, the next
10 case I have is 2015-100, DeKalb County, absentee
11 ballot and handicap parking entrance. There are two
12 separate complaints -- complainants in the
13 allegations --

14 **MRS. LE:** I'm sorry, Mr. --
15 Mr. Secretary, I'd like to dismiss myself from this
16 hearing for conflict of interest reasons.

17 **MR. RAFFENSPERGER:** Okay.

18 **MR. LEWIS:** I'm sorry, Mr. Secretary.

19 Again, there were two separate
20 complainants that made allegations of the DeKalb
21 County Board of Elections and Registration, against
22 them, regarding the November of 2015 general election.

23 A Timothy Hoffman reported that he had
24 requested an absentee ballot be forwarded to him by
25 DeKalb County during the time he was deployed

1 overseas. Hoffman stated he had not received the
2 absentee ballot as of November 13, 2015.

3 Daniele Xenos stated that on the
4 afternoon of November 3rd, during the election, the
5 only handicapped entrance to the DeKalb County School
6 of Arts polling station was locked, that handicapped
7 persons were not able to gain access into the
8 building.

9 In regard to Mr. Hoffman's absentee
10 ballot request on July 8, 2015, DeKalb County advised
11 that there was confusion over the eligibility of the
12 voter to receive an electronic ballot for that
13 election since there were only local candidates
14 running. A paper absentee ballot was mailed to
15 Mr. Hoffman's home address in Stone Mountain, but --
16 since Mr. Hoffman had not provided the overseas
17 mailing address.

18 On October 7, 2015, when Mr. Hoffman
19 contacted DeKalb County to inquire of the status of
20 his absentee ballot request, the county was able to
21 obtain the correct APO overseas address and mailed
22 another paper ballot on October 12, 2015. Mr. Hoffman
23 received and returned the absentee ballot to DeKalb
24 County with it arriving prior to the cutoff of
25 November 6, 2015, even though he told us he had never

1 received it.

2 The absentee ballot was not counted in
3 the election to which Maxine Daniels, the former
4 elections superintendent for DeKalb County, stated
5 they were in error of not counting the ballots.

6 In response to the reports that the
7 handicapped access doors were locked at the DeKalb
8 County School of Arts polling location, the poll
9 manager stated that the custodian must've locked the
10 doors at the end of the day and they would ask that
11 they be unlocked. It's not known exactly how long the
12 doors were locked or how many people were affected by
13 the lack of handicap access.

14 Ms. Daniels with DeKalb County did
15 advise the access to the school polling locations have
16 become an issue due to increased need for security in
17 school locations. It was decided that an extra poll
18 worker will be added to the school locations to
19 monitor the locations to make sure the voters had
20 access.

21 We would recommend that the DeKalb
22 County Board of Elections and Registration and Maxine
23 Daniels, retired DeKalb County Elections Supervisor,
24 be bound over to the attorney general's office for the
25 listed violations.

1 **MR. RAFFENSPERGER:** Okay. We have
2 people to speak to this. If you would identify
3 yourself.

4 **MR. BRYAN:** Mr. Chairman, members of
5 the board, my name is Bennett Bryan, I'm the senior
6 assistant county attorney with DeKalb County. I'm
7 here on behalf of DeKalb County with Ms.~Erica
8 Hamilton. The director of elections is also here if
9 there's any follow-up questions that the board has for
10 either of us.

11 In reference to the first complaint,
12 Mr.~Hoffman's complaint, I think that the results of
13 the investigation, we don't -- we don't necessarily
14 disagree with -- with the facts of those. I will say
15 that there -- there is some confusion about UOCAVA
16 absentee ballots for overseas members because only
17 certain elections actually have electronic ballots
18 that are able to be distributed. And it was strictly
19 municipal elections like this one, electronic
20 ballot -- an electronic absentee ballot was actually
21 not an option, and so the -- the application did not
22 indicate that -- that the voter would like to have a
23 absentee ballot sent by -- or sent to his overseas
24 address. Therefore, because there was no absentee
25 ballot, it was only sent to the -- the -- his home

1 address, his registered address.

2 Now, this -- this particular matter is
3 important to me. As a former marine myself, making
4 sure that our -- you know, our military members are
5 able to vote is extremely important. One thing that
6 in discussions with the -- you know, with our -- with
7 our staff, one way that we might be able to prevent
8 this from happening again is when a e-mail address is
9 provided, even if no electronic -- electronic ballot
10 is available for that particular election, then what
11 we need to do is that we need to be more proactive in
12 contacting that member to arrange for an alternative
13 way for that member to be able to vote.

14 And so one policy we will be
15 instituting is that not only will we be sending
16 notices to the home address but also attempting to
17 contact them through their e-mail addresses if they
18 provide them and any phone numbers if they decide to
19 provide those. Really any other -- or we'll just --
20 we'll just need to make more of an effort to contact
21 them and let them know that electronic voting is not
22 going to happen in this particular election.

23 And so, you know, again, we take it
24 seriously and we intend to -- we are instituting
25 policies to make sure this doesn't happen again.

1 In terms of -- in terms of why the vote
2 wasn't counted, it is my understanding based on the
3 letter that we received from your office, that Maxine
4 Daniels, the former elections director, has indicated
5 that it should've been -- it -- that it was received
6 in time, but it wasn't counted. I have not been able
7 to either confirm or deny that and have not spoken
8 with anybody that has personal knowledge of that, and
9 without Ms. Daniels being here, I am unable to confirm
10 or deny that fact.

11 However, again, we're putting policies
12 in place now to prevent this from happening in the
13 future and any additional clarity that perhaps the
14 secretary of state's office or the elections board
15 would like to direct us to do as it relates to
16 municipal elections that don't allow electronic
17 voting, we're happy to work with you on that.

18 In terms of the second complaint, that
19 has to do with access to -- that has to do with access
20 to the voting locations. Again we do not dispute the
21 factual findings. It is unclear exactly how long this
22 particular door was locked, but it is our
23 understanding that there is an automatic locking
24 mechanism in -- in certain schools. And so doors were
25 locked without -- without anybody actually physically

1 locking them. They locked on their own. And as soon
2 as our staff became aware of that, they opened it
3 immediately. We do not -- again, we don't know
4 exactly how long it was. We do not believe it was
5 very long and we've also now added staff members to
6 each school location to ensure that this doesn't
7 happen in the future.

8 I'm happy to answer any questions.
9 Otherwise I would request that you issue a letter of
10 instruction.

11 **MR. RAFFENSPERGER:** Any questions?

12 **MR. BRYAN:** Thank you.

13 **MR. WORLEY:** I do have some questions.

14 **MR. RAFFENSPERGER:** Mr. Worley.

15 **MR. WORLEY:** The automatic locking
16 mechanism that some DeKalb County schools have, I
17 think that's what you said.

18 **MR. BRYAN:** It -- it is -- that is my
19 understanding, yes.

20 **MR. WORLEY:** Okay. And is that the
21 case with the DeKalb School of the Arts?

22 **MR. BRYAN:** Yes, that is with DeKalb
23 School of the Arts.

24 **MR. WORLEY:** Okay. All right, thank
25 you.

1 **MR. RAFFENSPERGER:** Do we have a
2 motion?

3 **MR. WORLEY:** I would make a motion that
4 the allegation for the potential violations relating
5 to the handicapped access be dismissed because it
6 doesn't seem to be that there was anything in that one
7 instance that the election board could've done to
8 prevent it from automatically locking. And they
9 resolved it as soon as they knew about it. And also
10 they have taken steps to make sure it doesn't happen
11 again. So I would move for that one violation alone,
12 that that be dismissed.

13 **MS. SULLIVAN:** Are you going to have
14 two separate motions?

15 **MR. WORLEY:** I'm only making one
16 motion, yes, the motion that I made.

17 **MR. RAFFENSPERGER:** For Allegation
18 Number 2.

19 **MR. WORLEY:** For Allegation Number 2,
20 yes.

21 **MR. RAFFENSPERGER:** Okay, do we have a
22 second on the second allegation?

23 (no response)

24 **MR. RAFFENSPERGER:** I need a second if
25 there's going to be a second for dismissal.

1 (no response)

2 **MR. RAFFENSPERGER:** Hearing none, that
3 motion fails. Okay.

4 **MS. SULLIVAN:** Mr. Chairman, I make a
5 motion that a letter of instruction be issued and that
6 violation for -- I think it's the obligation of the
7 board to make sure that the doors aren't locked --
8 aren't locked. So I would -- I would make a motion
9 that a letter of instruction be issued on that.

10 **MR. RAFFENSPERGER:** Move to Allegation
11 1. Do you want to address that one at the same time?

12 **MS. SULLIVAN:** And I'll make the --
13 well, yes, we'll try that. I move for the first
14 allegation be bound over to the attorney general's
15 office.

16 **MR. RAFFENSPERGER:** So we have a motion
17 for Allegation 1 bound over to the attorney general's
18 office and for Allegation 2, a letter of instruction
19 be sent. Do we have a second for that one? Is that a
20 second, Senator Harp?

21 **MR. HARP:** Yeah.

22 **MR. RAFFENSPERGER:** So then before us
23 today, do I have any more discussion on that?

24 (no response)

25 **MR. RAFFENSPERGER:** Then all those in

1 favor of that Allegation 1 would be bound over to the
2 attorney general and the second allegation, a letter
3 of instruction -- all those in favor say aye.

4 **THE BOARD MEMBERS:** Aye.

5 **MR. RAFFENSPERGER:** Any opposed?

6 (no response)

7 **MR. RAFFENSPERGER:** Motion carries.

8 **MR. LEWIS:** Mr. Secretary, we're going
9 to switch off. Would this be a good time for the
10 executive session?

11 **MR. RAFFENSPERGER:** The only question I
12 have is we have four people here that are -- they came
13 here and if we can do them before lunch, if that's
14 okay to the committee. That way they can get on down
15 the road, so just to respect their time. So if we
16 could do that, let's knock these four more cases out.

17 **MS. WATSON:** The next case that I show
18 is Tab Number 61, Case Number 2016-006, Paulding
19 County, felon.

20 In January of 2016, Paulding County
21 election supervisor Deidre Holden reported that Judy
22 Dianne Chastain had applied for voter registration in
23 December of 2015. Ms. Chastain was later determined
24 to be under sentence of felony probation at the time
25 of the application.

1 Investigation verified that Judy Dianne
2 Chastain was currently serving a felony probation
3 sentence through September of 2019. It was determined
4 that while serving the felony probation Ms. Chastain
5 voted in two elections: the general election held in
6 Cobb County on November 6, 2012 and November 4, 2014.
7 The explanation provided as to why Ms. Chastain was
8 not on the felon list was that when her conviction
9 information was entered by the jurisdiction, they did
10 not provide enough identifying information for a match
11 to have been identified with when compared to the
12 voter list.

13 Cobb County Elections would have had no
14 way of knowing she was not qualified to vote at the
15 time she presented herself as an elector.

16 We are recommending that Judy Dianne
17 Chastain be bound over to the AG's office for
18 21-2-216(b) .

19 **MR. RAFFENSPERGER:** Does anyone want to
20 come speak to this?

21 **MS. HOLDEN:** I'm just available for
22 questions.

23 **MR. RAFFENSPERGER:** Did anyone else
24 want to speak to this? Members? Do you have any
25 questions for the election supervisor?

1 (no response)

2 **MR. RAFFENSPERGER:** Do we have a

3 motion?

4 **MR. WORLEY:** I make a motion that we

5 bind this case over to the attorney general.

6 **MR. RAFFENSPERGER:** Do we have a

7 second?

8 **MS. SULLIVAN:** I'll second.

9 **MR. RAFFENSPERGER:** Any further

10 discussion?

11 (no response)

12 **MR. RAFFENSPERGER:** Hearing none, all

13 those in favor of binding this over to the attorney

14 general's office?

15 **THE BOARD MEMBERS:** Aye.

16 **MR. RAFFENSPERGER:** Any opposed?

17 (no response)

18 **MR. RAFFENSPERGER:** Motion carries.

19 **MS. WATSON:** The next case is Tab 63,

20 Douglas County, 2016-008.

21 In January of 2016, the elections

22 division reported that Douglas County was sent a voter

23 postcard application for an electronic ballot

24 delivery. On January 15, 2016, the applicant failed

25 to list a political party preference on the

1 application. Douglas County was late sending a ballot
2 until they contacted the applicant on January 19,
3 2016. On January 19, 2016, Douglas County requested
4 an electronic ballot to be sent to the applicant. The
5 electronic ballot was issued three days past the
6 deadline of January 16, 2016.

7 The investigation shows that Douglas
8 County should have entered election -- Elector Damien
9 Allen in the system and they could've sent him a voter
10 write-in absentee ballot. Douglas County could've
11 rejected the application by saying there was not
12 enough information. Douglas County attorney David
13 Cole responded that there were issues with the ballot
14 as it was and the applicant failed to select the party
15 preference and it was confusing as to where he wanted
16 the ballot to be sent. Attempts were made to contact
17 the applicant. Due to the holiday on Monday, it
18 delayed sending of the ballot.

19 We're recommending Douglas County Board
20 of Election and Registration and Laurie Fulton,
21 election supervisor from Douglas County, be bound over
22 to the AG's office for 21-2-384(a)(2).

23 **MR. RAFFENSPERGER:** Anybody like to
24 speak to this?

25 **MR. COLE:** (moving forward)

1 **MR. RAFFENSPERGER:** Come down the
2 center. There's a microphone for you. Will you state
3 your name for the record, please.

4 **MR. COLE:** Good morning. David Cole on
5 behalf of the Douglas County Board of Elections and
6 Registration. There's three points I think are
7 important to understand this case.

8 The first is that the slated deadline
9 of January 16th, which was 45 days prior to the date
10 of the presidential primary preference, was a
11 Saturday. And under O.C.G.A. 21-2-14 when a deadline
12 for action falls on a weekend or a legal holiday, the
13 deadline carries over to the next business day that is
14 not the weekend or legal holiday.

15 In this case, that means the deadline
16 for mailing these ballots was Tuesday, January 19th
17 because Monday the 18th was the Martin Luther King Jr.
18 holiday. That is in fact the day that this ballot was
19 mailed, so therefore the board complied with the
20 deadline and there was no violation.

21 Second of all, O.C.G.A. 21-2-384 only
22 requires that a absentee ballot be mailed to eligible
23 applicants within 45 days before the election. And
24 then for additional applicants that are determined to
25 be eligible after that date, that should be mailed

1 after determining their eligibility.

2 And in this case, the voter Damien
3 Allen was not previously registered. So when he sent
4 in his postcard application, that constituted both his
5 application to register and his request for the
6 ballot. Well, at that time, he wasn't yet determined
7 to be eligible to vote because he hadn't completed his
8 registration. The board has to enter his data into
9 the department of driver services system to confirm
10 the match of the data. That was not confirmed by the
11 department of driver services until Saturday the 16th.
12 That's referenced in the investigator's report.

13 Obviously offices were closed that
14 weekend and on the Martin Luther King holiday. So
15 when the offices reopened on Tuesday, they saw that
16 his eligibility had been confirmed. They properly
17 registered him and immediately sent him the ballot.
18 So in accordance with 21-2-384, even if the 16th on a
19 Saturday was the deadline, they still complied because
20 his eligibility wasn't determined until registration
21 was completed.

22 Lastly, O.C.G.A. 21-2-381 says that an
23 absentee ballot application must contain sufficient
24 information to identify the primary election runoff in
25 which the elector wishes to vote. In this case, the

1 elector did not specify which presidential preference
2 primary he was asking to vote in. So there was no way
3 that the board could determine which ballot to send
4 him because he didn't indicate which primary he was
5 voting in. So the application itself didn't meet the
6 requirements and could not be issued a ballot.

7 Now, I suppose the board could've
8 rejected the application at that time, but I don't
9 think that's really in the best interest of the voter.
10 What they attempted to do was contact the voter to get
11 the information on which primary he wanted to vote in.
12 Once he provided that, they sent the ballot right
13 away.

14 And so because of these three reasons,
15 we respectfully submit there was no violation in the
16 case and that a letter of instruction is not
17 appropriate and the case should instead be dismissed.

18 **MR. RAFFENSPERGER:** Any questions?

19 **MR. WORLEY:** Mr. Cole.

20 **MR. COLE:** Yes.

21 **MR. WORLEY:** And was the vote counted?
22 What happened with his ballot?

23 **MR. COLE:** He never even submitted the
24 ballot. He was issued a ballot and he did -- he did
25 not -- he did not submit a ballot.

1 **MR. WORLEY:** Okay, but had it --
2 **MR. COLE:** The voter --
3 **MR. WORLEY:** Had it been submitted, it
4 would've been counted, correct?
5 **MR. COLE:** Yes.
6 **MR. RAFFENSPERGER:** Any other
7 questions?
8 (no response)
9 **MR. RAFFENSPERGER:** Thank you.
10 **MR. COLE:** Thank you.
11 **MR. RAFFENSPERGER:** What is the ruling
12 of the committee?
13 **MR. WORLEY:** I would make -- due to the
14 evidence that the attorney for Douglas County has
15 presented -- I'm sorry -- given the evidence that the
16 attorney for Douglas County has presented, I would
17 move that this case be dismissed.
18 **MR. RAFFENSPERGER:** Do we have a
19 second?
20 **MRS. LE:** I'll second that.
21 **MR. RAFFENSPERGER:** We have a second.
22 Any further discussion?
23 (no response)
24 **MR. RAFFENSPERGER:** All those in favor
25 of dismissing Case Number 2016 --

1 **MR. WORLEY:** Aye.

2 **MR. RAFFENSPERGER:** -- 008 --

3 **MR. WORLEY:** Oh, I'm sorry.

4 **THE BOARD MEMBERS:** Aye.

5 **MR. RAFFENSPERGER:** Any opposed?

6 (no response)

7 **MR. RAFFENSPERGER:** Motion carries.

8 **MS. WATSON:** The next case is Tab 64,
9 Paulding County, 2016-009.

10 In January of 2016, it was reported
11 that Paulding County erroneously entered a UOCAVA
12 voter into E-Net with a ballot issue date that
13 indicated they had mailed a ballot. But the voter
14 requested electronic ballot delivery and when Paulding
15 corrected the status to electronic ballot delivery, it
16 showed no ballot being issued by the deadline.

17 Investigation substantiated the
18 allegation. Absentee ballot clerk Lacy Dunn
19 mistakenly entered a mailed date when processing the
20 request from Elector Kristen (ph.) Wilson and also
21 checked the request for electronic ballot. The system
22 would not send an electronic ballot due to the mail
23 date being entered. Once the issue was discovered, it
24 was corrected and an electronic ballot delivered three
25 days past the deadline. The electronic ballot was

1 returned prior to the March 1 PPP deadline.

2 We're recommending the Paulding County
3 Board of Elections and Registration and Deidre Holden
4 be bound over to the AG's office for 21-2-384(a)(2).

5 **MR. RAFFENSPERGER:** Okay. Would
6 someone like to speak to this case?

7 **MS. HOLDEN:** (standing at microphone)

8 **MR. RAFFENSPERGER:** Identify yourself,
9 please, for the record.

10 **MS. HOLDEN:** Deidre Holden, election
11 supervisor, Paulding County. The first thing I want
12 to let the board know, and Mr. Secretary, is this was
13 a self-reported incident. We take our UOCAVA voters
14 very seriously.

15 We received Ms. Wilson's application on
16 January the 14th. The deadline was the 15th. What we
17 had to do was -- it was a federal postcard
18 application, she was not a registered voter. She had
19 to go through the verification process. We entered
20 her in on the 14th, she verified overnight, and on the
21 15th was when we issued the ballot.

22 The reason why the ballot was not
23 issued is the Election Net System allowed us to put in
24 a mail date as well as an electronic ballot date.
25 When we request an electronic ballot, we are sent an

1 e-mail from the system stating -- it's basically a
2 copy of the letter that the voter has received that
3 you have been issued an electronic ballot.

4 When Ms. Dunn realized that she had not
5 received that in the proper time, we knew there was a
6 problem. We immediately called Erica Hamilton who was
7 working for the secretary of state at the time and
8 (indiscernible) Eglin (ph.) who was the UOCAVA
9 liaison. And immediately they saw what the issue was.
10 The system, in my opinion, should have never allowed
11 us to enter a mail date when the EBD was already
12 checked. We did not get to issue the ballot until the
13 19th. Ms. Wilson was actually residing in
14 New Zealand. She got her ballot and she returned her
15 ballot and her ballot was voted.

16 I am requesting either a dismissal of
17 this or a letter of instruction. We have also put
18 practices in place with our absentee process now that
19 no one, even if it's an EBD ballot, is to ever enter
20 in a mail date. And we have requested that there be a
21 prompt to come up into Election Net that when you
22 issue something like that, that could become an issue
23 that it would not allow. There are prompts that do
24 come up in Election Net when we change a street or
25 change the number on a street. With something as

1 important as a UOCAVA vote, I think we should be
2 prompted there, saying: Do you really want to enter a
3 mailed date.

4 So that is the issue that we have. I'm
5 very thankful that our UOCAVA voter did get to vote
6 and her vote counted.

7 So I am requesting either a dismissal
8 or a letter of instruction. If you have any
9 questions, I'll be glad to answer those.

10 **MR. RAFFENSPERGER:** Members, any
11 questions?

12 (no response)

13 **MS. HOLDEN:** Thank you.

14 **MR. RAFFENSPERGER:** Thank you so much.

15 Okay, it's before us. Do we have a
16 motion on this case?

17 **MR. HARP:** Sorry, what was that again?
18 Dismiss?

19 **MR. WORLEY:** I move to dismiss.

20 **MR. RAFFENSPERGER:** You move to
21 dismiss, okay.

22 **MS. SULLIVAN:** I'll second the motion.

23 **MR. WILLARD:** I'm sorry, what was the
24 motion?

25 **MS. SULLIVAN:** To dismiss.

1 **MR. RAFFENSPERGER:** Motion to dismiss.
2 **MR. WILLARD:** Mr. Secretary, may I be
3 heard for a moment?
4 **MR. RAFFENSPERGER:** Yes.
5 **MR. WILLARD:** In light of the state's
6 history in mitigating the UOCAVA issue and the fact
7 that this case does not possess some of the same
8 factual circumstances as the previous case where
9 errors were made by the applicant, I would actually
10 ask the board to consider in lieu of dismissing
11 issuing a letter of instruction in this case.
12 **MRS. LE:** Thank you for being here.
13 **MS. HOLDEN:** You're welcome.
14 **MRS. LE:** So this is UOCAVA -- issuance
15 of UOCAVA ballots is a somewhat of an important but
16 yet routine --
17 **MS. HOLDEN:** Yes.
18 **MRS. LE:** -- part of any election.
19 **MS. HOLDEN:** Yes.
20 **MRS. LE:** So has this happened in the
21 past and why this time and not others? And why before
22 the additional procedures were in place?
23 **MS. HOLDEN:** We've never had this
24 issue. It's just -- it was a human error. She put
25 the --

1 **MRS. LE:** Oh --

2 **MS. HOLDEN:** -- the EBD was already

3 marked and the system allowed her to enter a mail

4 date. It was just error. She didn't -- she was not

5 supposed to have put the mail date in, but she did.

6 Even though EBD was marked, it was -- it was allowed

7 in the system.

8 We -- we normally have -- and I'm

9 fortunate of this, we normally service over 200-plus

10 UOCAVAs during presidential elections and this

11 happened one time. So I think that speak volumes

12 about our absentee balloting.

13 **MRS. LE:** And in your corrective action

14 and plan, does it include training --

15 **MS. HOLDEN:** Yes.

16 **MRS. LE:** -- and being refreshing

17 classes --

18 **MS. HOLDEN:** Yes.

19 **MRS. LE:** -- or refresher classes?

20 **MS. HOLDEN:** We go through this every

21 election. And I know my people are experienced,

22 they've been working with me for years, but we still

23 sit down and we -- we adopt a plan of action. We make

24 sure that we're dotting every "i" and crossing every

25 "t". It's very important.

1 **MRS. LE:** Thank you.

2 **MR. RAFFENSPERGER:** So thank you,
3 Ms.~Holden.

4 There's a motion before us and there's
5 a second. We also heard from the attorney general's
6 office and their recommendation would be to -- in lieu
7 of dismissal, do a letter of recommendation -- a
8 letter of instruction.

9 So the choice is the person who made
10 the motion, it's their right, they could withdraw it
11 or we can proceed with the vote.

12 So is there any further discussion? If
13 not, I'll call the vote.

14 (no response)

15 **MR. RAFFENSPERGER:** All those in favor
16 of dismissal signify by saying aye.

17 **MR. WORLEY:** Aye.

18 **MR. RAFFENSPERGER:** All those in
19 favor -- all those opposed say nay.

20 **THE BOARD MEMBERS:** Nay.

21 **MR. RAFFENSPERGER:** Looks like the nays
22 have it. This is still before us then.

23 **MS. SULLIVAN:** Based on the advice of
24 the attorney general, I'll move that a letter of
25 instruction be issued instead of a dismissal.

1 **MR. WORLEY:** I'll second that.

2 **MR. RAFFENSPERGER:** Okay, we have that
3 before us. All those in favor of a letter of
4 instruction being sent, aye if you support that.

5 **THE BOARD MEMBERS:** Aye.

6 **MR. RAFFENSPERGER:** Any of those
7 opposed say nay.

8 (no response)

9 **MR. RAFFENSPERGER:** Motion carries.
10 Letter of instruction will be sent.

11 **MS. WATSON:** The next case is Tab
12 Number 67, Case 2016-23, Clayton County.

13 On March 7, 2016 Clayton Board of
14 Elections and Registration self-reported that one of
15 their poll managers had failed to retrieve a memory
16 card from a DRE unit at the close of polls and
17 transport the card to the election office.

18 Investigation confirmed the report.
19 Brad Lacey was the poll manager for the polling
20 station, Riverdale 11, in Clayton County. Mr. Lacey
21 did not use one of the DRE machines during the
22 election and failed to retrieve the memory card for
23 the unit at the close of polls. It was discovered
24 once all of the election materials were turned in to
25 the Clayton County elections office at approximately

1 9:30 election night. It took until approximately
2 3 a.m. to get a key holder to come out in order to
3 retrieve the memory card. The memory card showed a
4 zero count.

5 We recommend the Clayton County Board
6 of Elections and Registration and Laterrial Francis,
7 acting Clayton County election supervisor at the time,
8 and Brad Lacey, poll manager, be bound over to the
9 AG's office for the listed violation.

10 **MR. RAFFENSPERGER:** Is there anyone to
11 speak to this?

12 **MR. REID:** (approaching the microphone)

13 **MR. RAFFENSPERGER:** If you would
14 identify yourself, please.

15 **MR. REID:** Good afternoon,
16 Mr. Secretary and the board. My name is Mr. Charles
17 Reid and I represent the board and Ms. Francis in this
18 matter.

19 The first thing I want to state is that
20 the letter that was provided to us did not give a --
21 any notice that Ms. Francis was facing a violation.
22 It only talked about Mr. Lacey. It just said
23 potential violations but didn't say exactly what it
24 was, so we would just raise that as an issue that she
25 wasn't given any notice that she was facing anything.

1 But factually, I'll just summarize that
2 she's here to answer any questions. The -- this was a
3 self-reported issue. Ms. Francis had provided
4 training to all staff per usual guidelines. And this
5 poll manager was working that particular day, didn't
6 use the machine, and just failed to pull the card.

7 She was not present at that location
8 obviously. She was conducting the calculations -- or
9 the tabulations for all of the -- the votes and
10 realized that that particular precinct was missing a
11 card. She called the secretary of state and let them
12 know that. Because it was a location that had already
13 been locked by the time, it took some time to get that
14 card. There was no vote done on that machine, so it
15 wasn't like there was a vote that was missing.

16 But because of the seriousness of the
17 allegation, she removed that poll manager from
18 operating as a poll manager and he would no -- did no
19 longer conduct any poll manager duties going forward.

20 Also, in addition, Ms. Francis is no
21 longer the election supervisor. She continues to work
22 for Clayton County but in a different role. And so we
23 believe that it would be appropriate for this board to
24 dismiss the allegations against her. First for the
25 notice issue, also for the fact that -- that she

1 provided training. She did have a plan in place,
2 which was remove that person and not allow them to
3 conduct any more poll manager duties and that it was a
4 self-reported issue.

5 At best we believe that it would be a
6 letter of instruction to her. And I don't know
7 what -- what benefit that would be for her because she
8 no longer works in elections at all. So we would just
9 ask that the board would just dismiss this outright.

10 I don't speak for Mr. Lacey. And
11 whatever the board wants to do with him, we don't have
12 any issue with that.

13 But she's here to answer any questions
14 that the board has.

15 **MR. RAFFENSPERGER:** Thank you. Just
16 for the record, as I read it, she -- it's really poll
17 manager Brad Lacey that the recommendation was for
18 further action.

19 So that's how I read it, Ms.~Francis.

20 **MS. WATSON:** Mr. Secretary, we did
21 notice Laterrial Francis in this case on March the
22 15th. We did send out a notice.

23 **MR. REID:** The notice does -- there's
24 a -- there is a letter to her, but within the
25 investigation summary, she's not listed as having done

1 any -- having any violations, at least in this summary
2 that I have.

3 **MR. RAFFENSPERGER:** Correct. Thank
4 you.

5 Is there any questions for the
6 gentleman?

7 (no response)

8 **MR. RAFFENSPERGER:** Okay, what is the
9 will of the committee?

10 **MS. SULLIVAN:** Ms. Watson, can you
11 state again -- is the recommendation in this case no
12 violations against Ms. Francis? Only the poll
13 manager? Am I reading that correctly?

14 **MS. WATSON:** We recommended the board
15 of elections and registration, Laterrial Francis, and
16 Brad Lacey be bound over to the AG's office.

17 **MR. RAFFENSPERGER:** Okay, so it's both
18 of them.

19 **MS. SULLIVAN:** I'll make a motion that
20 the Clayton County Board of Elections and Registration
21 be bound over to the AG's office and that the
22 remaining two respondents be dismissed.

23 **MR. RAFFENSPERGER:** Is there a second?

24 **MR. WORLEY:** I'll second that.

25 **MR. RAFFENSPERGER:** We have a second.

1 Any further discussion?

2 (no response)

3 **MR. RAFFENSPERGER:** Hearing no further
4 discussion, all those in favor of sending this to
5 attorney general's office please sig -- please do so
6 by signifying aye.

7 **THE BOARD MEMBERS:** Aye.

8 **MR. RAFFENSPERGER:** Any opposed?

9 (no response)

10 **MR. RAFFENSPERGER:** Motion carries.

11 Before we break for lunch, was there
12 anyone else that was here that's come to speak for
13 these new cases that we have before us?

14 (no response)

15 **MR. RAFFENSPERGER:** That being the
16 case, what we need is a motion to break for lunch and
17 also have an executive session to discuss a legal
18 matter. Do we have a motion for that?

19 **MS. SULLIVAN:** I'll make a motion that
20 this board enter executive session for the purposes of
21 discussing pending litigation.

22 **MR. WORLEY:** I'll second it.

23 **MR. RAFFENSPERGER:** Okay. We'll be
24 back in -- I forgot to take a vote. All of those in
25 favor of going into an executive session to discuss

1 legal matters?

2 **THE BOARD MEMBERS:** Aye.

3 **MR. RAFFENSPERGER:** Any opposed?

4 (no response)

5 **MR. RAFFENSPERGER:** Motion carries.

6 We're breaking. We'll be back at 1:30
7 if that works for everyone. Thank you.

8 (Break taken)

9 **MR. RAFFENSPERGER:** It's just past
10 1:36. We were in executive session. Will there be a
11 motion?

12 **MR. WORLEY:** I make a motion that we
13 come out of executive session.

14 **MRS. LE:** Second.

15 **MR. RAFFENSPERGER:** All those in favor.

16 **THE BOARD MEMBERS:** Aye.

17 **MR. RAFFENSPERGER:** Any opposed?

18 (no response)

19 **MS. SULLIVAN:** For the record, no
20 action was taken.

21 **MR. RAFFENSPERGER:** Right. And that
22 leads us back to Mr. Lewis. What case are we on right
23 now?

24 **MR. LEWIS:** 2015-074, City of Cordele,
25 districting issue. Tab Number 55 in your binders.

1 **MR. RAFFENSPERGER:** Okay.

2 **MR. LEWIS:** If the board's ready, I'll
3 proceed.

4 **MR. RAFFENSPERGER:** We're ready.

5 **MR. LEWIS:** The community-activist
6 group My Brother's Keeper filed a complaint with the
7 secretary of state's office after being made aware
8 that two electors were listed in the wrong voting
9 district and cast ballots in the wrong voting
10 district.

11 The Crisp County Elections Office then
12 instructed them to cast a second ballot, provisional
13 ballot, for the district in which they lived.

14 The investigation found that 74 Cordele
15 residents who lived at -- on Rainbow Drive, W 17 --
16 and West 17th Avenue were placed in the incorrect
17 voting wards. Two of those Cordele residents, Ricky
18 Redding and Taniesha King, voted early in the
19 November 2015 election. They both informed poll
20 workers that they cast ballots in a ward that they did
21 not live in.

22 Mr. Redding voted in Ward 2 and
23 should've voted in Ward 1. Mr. Redding was allowed to
24 cast a provisional ballot in Ward 1 and it was
25 counted.

1 Ms. King voted as a county voter when
2 she should've been listed as a city resident.
3 Ms.~King was allowed to vote a provisional ballot for
4 the city election and it was also counted.

5 District lines in the City of Cordele
6 were redrawn in 2011 based on the U.S. Census data
7 from 2010. It remains unclear to us and I think
8 unclear to the City of Cordele and Crisp County as to
9 how the district lines did not get updated in 2011
10 based on that census information.

11 However, Ms. Perkins with the county
12 elections office readily accepts responsibility.
13 Their office should've caught the error and taken
14 steps to prevent future problems.

15 We would recommend that the City of
16 Cordele and the Crisp County Board of Elections and
17 Registration Office be bound over to the attorney
18 general's office for 21-2-226(c), duties of placing in
19 the maps and working out the maps between the city and
20 the county, making sure all of that information was
21 correct, and they failed to review those changes and
22 that Becky Perkins and Crisp County Elections -- the
23 election supervisor and the Crisp County Board of
24 Elections and Registration be bound over for SEB Rule
25 183-1-12-02, conducting elections, when they allowed

1 two electors to cast additional ballots.

2 I'd put before you during the break for
3 executive session letters that we received from
4 Ms. Perkins, and I'll be happy to read her letter to
5 you. As the board remembers, we had this case at the
6 last meeting and it was undecided, the board action.
7 It was tie between being bound over to the attorney
8 general's office and letters of instructions.

9 So Ms. Perkins writes (reading): In
10 regards to the case pending, the Office of Crisp
11 County Elections and Registration does not plan to
12 attend this meeting.

13 They were here last time.

14 (reading): As I recognize the laws and
15 statutes concerning the complaint against us and value
16 that what I've learned in conducting the first
17 election in 2015 and about those responsibilities, I
18 carry those lessons and learn countless others in
19 every new election cycle. I regard the SEB
20 proceedings with respect and I did not have anything
21 to add from the information you have from Investigator
22 Calhoun's (ph.) findings. I feel sure the state
23 election board will be fair.

24 **MR. RAFFENSPERGER:** Well, this is
25 before some of the members from last year's board --

1 there's two of us that are new, but do the members
2 have any comments to make about this case?

3 **MS. SULLIVAN:** I would vote that this
4 case be bound over to the attorney general's office.

5 **MR. WORLEY:** And I would second that.

6 **MR. RAFFENSPERGER:** Do we have any
7 discussion on the motion?

8 (no response)

9 **MR. RAFFENSPERGER:** Okay. Hearing
10 none, all of those in favor of binding this over to
11 the attorney general's office please signify by saying
12 aye.

13 **THE BOARD MEMBERS:** Aye.

14 **MR. RAFFENSPERGER:** All those opposed?

15 (no response)

16 **MR. RAFFENSPERGER:** Motion carries.

17 **MR. LEWIS:** Mr. Secretary, the next
18 case that I have is SEB 2015-087, the City of Demorest
19 from Habersham County.

20 In November of 2015, the election
21 supervisor of Habersham County self-reported to us
22 that the City of Demorest resident Ferman Stephens was
23 allowed to vote twice in the city election.

24 Mr.~Stephens voted during the early
25 voting period on October 27, 2015. On election day,

1 November 3rd, Mr. Stephens and his wife went to the
2 poll where he had told the poll worker that he voted
3 early and wanted to make sure that it counted. The
4 poll worker looked Mr. Stephens up in the ExpressPoll
5 and found that he was not credited with having voted
6 in the current election.

7 The poll worker created a voter access
8 card for Mr. Stephens who proceeded to vote for a
9 second time. The elections assistant in the office,
10 Ms. Conlon (ph.) looked up Mr. Stephens in the
11 EasyVote program and found that he had already voted
12 on October 25, 2015 -- 27th, excuse me, of 2015, and
13 immediately called the election supervisor. It was
14 determined that on November the 2nd, when Ms. Ellison
15 updated the only two ExpressPoll machines used during
16 the election, they did not verify that all of those
17 were updated in the system.

18 We would recommend that Habersham
19 County Board of Elections and Registration; Laurel
20 Ellison, election supervisor; and Johanna Owensby,
21 poll worker be bound over to the attorney general's
22 office for violation of a board rule.

23 We would also recommend that Habersham
24 County Board of Elections and Registration and Laurel
25 Ellison, election supervisor, be bound over to the

1 AG's office for a different board rule and I'll read
2 you this one: 183-1-12-.07(8) Preparation of the
3 Electors List for the ExpressPoll, and that Ferman
4 Stephens, elector, be bound over to the AG's office
5 for repeat voting in the same election.

6 And let me just repeat the first
7 recommendation so that it's clear. The Habersham
8 County Board of Elections and Registration; Laurel
9 Ellison, the election supervisor; and Ms.~Owensby, the
10 poll worker be bound over for Board Rule 183-1-12-4 in
11 conducting elections when she failed to manually check
12 the paper list to determine if the voter was eligible
13 to vote.

14 **MR. RAFFENSPERGER:** Any comments?

15 Anyone on the board?

16 (no response)

17 **MR. RAFFENSPERGER:** Do we have a
18 motion?

19 **MR. WORLEY:** I would make the motion --
20 Mr. Chairman, I would make a motion that we bind over
21 Habersham County Board of Elections and Registration
22 and Laurel Ellison and Johanna Owensby for violation
23 of State Election Board Rule 183-1-12(4)(b) and we
24 bind over Habersham County Board of Elections and
25 Registration and Laurel Ellison for violation of State

1 Election Board Rule 183-1-12-.07(8) and that we bind
2 over Ferman Stephens, an elector, for a violation of
3 O.C.G.A. 21-2-572.

4 **MR. RAFFENSPERGER:** Do we have a
5 second?

6 **MRS. LE:** I'll second that.

7 **MR. RAFFENSPERGER:** Okay. Any
8 discussion on the motion?

9 (no response)

10 **MR. RAFFENSPERGER:** Hearing none, all
11 those in favor of binding over Habersham County Board
12 of Elections and Registration, Laurel Ellison, and
13 Johanna Owensby and also Ferman Stephens, elector, to
14 the motion signify by saying aye.

15 **THE BOARD MEMBERS:** Aye.

16 **MR. RAFFENSPERGER:** Any opposed?

17 (no response)

18 **MR. RAFFENSPERGER:** Motion carries.

19 **MS. WATSON:** The next case to be
20 presented is Tab Number 62, Case Number 16-007, Pike
21 County.

22 In January of 2016, it was reported
23 that Pike County failed to mail a UOCAVA ballot by the
24 January 16, 2016 deadline. Pike County received the
25 application on January 15, 2016 and the voter's status

1 was pending. Pike County erroneously believed they
2 could not issue a UOCAVA ballot at that time.

3 On January 19, 2016, the registrar's
4 office learned the voter's status was changed to
5 active and they issued her a UOCAVA ballot. This was
6 three days after the deadline.

7 On January 15, 2016, Elector Ashley
8 Spellman contacted the Pike County Registrars Office
9 about moving her voter registration back to Georgia.
10 Ms. Spellman was instructed to cancel her registration
11 in North Carolina and to fax a copy of the
12 cancellation document as well as the voter
13 registration for Georgia and a copy of her driver's
14 license. These documents along with an application
15 for an absentee ballot were forwarded on January 15,
16 2016. The ballot was mailed on January 19, 2016.

17 According to Ms. Chamblin, Ms. Spellman
18 had been previously moved to an inactive status in
19 Georgia and the system would not allow her to enter
20 Ms. Spellman until she was removed from pending status
21 which was on Tuesday, January 19, 2016.

22 We recommend the Pike County Board of
23 Regis -- Registrar Ms. Sandi Chamblin, former Pike
24 County Chief Registrar be bound over to the AG's
25 office for 21-2-384(a)(2), mailing of ballots.

1 **MR. RAFFENSPERGER:** Okay, thank you
2 very much. Any questions or discussion?

3 **MS. SULLIVAN:** Yes, I just want to ask
4 a question.

5 Is this the same as the UOCAVA case we
6 had last time, where the 16th was the deadline and it
7 fell on a Saturday. Based on Georgia law, Monday
8 would've been the (indiscernible) day?

9 **MR. RAFFENSPERGER:** And the --

10 **MR. WILLARD:** Well, actually Tuesday
11 because Monday was a state holiday --

12 **MR. RAFFENSPERGER:** Martin Luther King
13 Day.

14 **MS. SULLIVAN:** All right, Tuesday. Is
15 this the same type of case as the first UOCAVA case
16 being considered today?

17 **MR. WILLARD:** Yes, the one --

18 **MS. SULLIVAN:** The way the dates fell
19 would prevent -- would prohibit this ca -- this
20 particular application to be processed in a timely --

21 **MR. WILLARD:** These are remarkably
22 similar facts in the same election cycle as what the
23 board did for another one before.

24 **MR. WORLEY:** If that's the case, I
25 would move that we dismiss this case.

1 **MR. RAFFENSPERGER:** That's a motion?
2 **MR. WORLEY:** Yes.
3 **MR. RAFFENSPERGER:** A second?
4 **MS. SULLIVAN:** Second.
5 **MR. RAFFENSPERGER:** Any discussion?
6 (no response)
7 **MR. RAFFENSPERGER:** Hearing no
8 discussion, all those in favor of dismissing this
9 case, 2016-007, signify by saying aye.
10 **MR. WILLARD:** Mr. Secretary, before you
11 take a vote, the motion is to dismiss and not issuing
12 a letter of instruction.
13 **MR. RAFFENSPERGER:** That's correct.
14 **MS. SULLIVAN:** I believe that we issued
15 a motion to dismiss in the first UOCAVA case, it would
16 be similar.
17 **MR. WILLARD:** No. What -- the first
18 letter of instruction suggests was a failure to mark
19 the -- election wasn't validated -- wasn't mailed out
20 of Paulding County and that actually got a letter of
21 instruction. I requested a letter of instruction go
22 out.
23 **MS. SULLIVAN:** Right.
24 **MR. RAFFENSPERGER:** Uh-huh.
25 **MS. SULLIVAN:** I thought that the facts

1 were similar to the first case where it was the -- the
2 dates were the issue.

3 **MR. WILLARD:** They're all that window
4 of the extended Martin Luther King weekend.

5 **MR. RAFFENSPERGER:** So does the
6 attorney also have a preference for a letter of
7 instruction?

8 **MR. WILLARD:** I would ask the board to
9 consider a letter of instruction for this set of
10 facts.

11 **MR. RAFFENSPERGER:** So we have a
12 choice --

13 **MR. WORLEY:** Well, I thought the
14 distinction was that it was the Election Net System
15 that caused the problem, that that was -- that was
16 true to the first case that we discussed, the case
17 that was not in Paulding County --

18 **MS. SULLIVAN:** I would --

19 **MR. WORLEY:** -- and that this is more
20 similar to that, the first case --

21 **MS. WATSON:** I would ask for a point of
22 clarification. If Chris could, I think they were --
23 Pike County was stating that they could not issue the
24 ballot because it was in a pending status. Is --
25 could they have issued a UOCAVA if it was in pending

1 status? I think they were erroneous -- erroneously
2 believed that. So they could have issued it is the --
3 is the reason why we're recommending that they be
4 bound over, is our understanding.

5 **MR. RAFFENSPERGER:** Do we have a --

6 **MS. WATSON:** So the ballot could have
7 been issued on -- on time.

8 **MR. RAFFENSPERGER:** We have a motion
9 before us. Are we going to vote it?

10 **MRS. LE:** I have a question.

11 **MR. RAFFENSPERGER:** Go ahead.

12 **MRS. LE:** What -- just from a
13 procedural processing point, if you had issued a
14 ballot with pending status and then it turns out that
15 for whatever reason it was not approved --

16 **MR. HARP:** You can issue a provision
17 ballot -- provisional ballot pending status.

18 **MR. WORLEY:** I with -- I withdraw my
19 motion.

20 **MR. RAFFENSPERGER:** Motion has been
21 withdrawn. Do we have another motion?

22 **MR. WORLEY:** Well, I would make a
23 motion that we issue a letter of instruction to Pike
24 County in this case.

25 **MS. SULLIVAN:** Second.

1 **MR. RAFFENSPERGER:** Was that a second?

2 **MS. SULLIVAN:** Yes, it is.

3 **MR. RAFFENSPERGER:** I think we've
4 talked this out. So no further discussion?

5 (no response)

6 **MR. RAFFENSPERGER:** All those in favor
7 of issuing a letter of instruction signify by saying
8 aye.

9 **THE BOARD MEMBERS:** Aye.

10 **MR. RAFFENSPERGER:** Any opposed?

11 (no response)

12 **MR. RAFFENSPERGER:** Motion carries.

13 **MS. WATSON:** The next case is Tab
14 Number 65, 2016-10, Bleckley County.

15 In January of 2016, the elections
16 division reported that Bleckley County failed to mail
17 a UOCAVA ballot by the January 16, 2016 deadline.
18 Bleckley County received the application on
19 January 15, 2016. A UOCAVA ballot was mailed on
20 January 19, 2016.

21 Bleckley County's registrars office
22 received an electronic UOCAVA absentee ballot
23 application from Elector Jerry Maddox Woodbury (ph.)
24 on January 13, 2016. On January 14th, the absentee
25 ballot clerk Melanie Witte sent Mr. Woodbury an e-mail

1 because the application had failed to select a ballot
2 style as well as to sign his complete name to match
3 what was on file.

4 Due to the holiday, it delayed the
5 mailing of Mr. Woodbury's ballot. Mr. Woodbury made
6 the requested changes and e-mailed a second
7 application to the registrars office, and that
8 application was documented received on January 15,
9 2016. The ballot was not mailed to the elector until
10 January 19, 2016.

11 We recommend Bleckley County Board of
12 Registrars and Glennis Douglas, Chief Registrar of
13 Bleckley County be bound over to the AG's office for
14 21-2-384(a)(2), mailing of ballots.

15 **MS. SULLIVAN:** I would like to ask the
16 attorney general's recommendation prior to making any
17 motion.

18 **MR. WILLARD:** Thank you. I was going
19 to jump in this time.

20 I would ask the board to consider a
21 letter of instruction in this case. This is the same
22 election cycle where the deadline fell on a Saturday.

23 **MS. SULLIVAN:** I'll make a motion that
24 a letter of instruction be issued in this case.

25 **MR. WORLEY:** I'll second that.

1 **MR. RAFFENSPERGER:** Is there any
2 further discussion?

3 (no response)

4 **MR. RAFFENSPERGER:** All those in favor
5 of issuing a letter of instruction in Case Number
6 2016-010, Bleckley County, please signify by saying
7 aye.

8 **THE BOARD MEMBERS:** Aye.

9 **MR. RAFFENSPERGER:** Any opposed?
10 (no response)

11 **MR. RAFFENSPERGER:** Motion carries.

12 **MS. WATSON:** And the next case is
13 Tab 66, 2016-14, Glynn County.

14 In January of 2016, Glynn County
15 Election Supervisor Tina Edwards reported several
16 absentee ballots were hand-delivered to the elections
17 office during the November 3, 2015 election, but the
18 voters were not physically disabled. Investigators
19 followed-up on the ballots that were hand-delivered
20 and found that they were delivered by relatives.

21 We're recommending no violations be
22 cited due to the attorney general's opinion.

23 And during the investigation it was
24 learned that Willodeen James voted her daughter's,
25 Delphinia~(ph.) James', absentee ballot and signed her

1 daughter's name to the oath. Delphinia James
2 acknowledged she was out of town and requested her
3 mother to vote the ballot and sign her name.

4 We're recommending that Willodeen James
5 be bound over to the AG's office for 21-2-562(a)(1),
6 fraudulent entries and 21-2-568(a)(2), interfering
7 with an elector.

8 **MR. RAFFENSPERGER:** Do we have any
9 questions?

10 (no response)

11 **MR. RAFFENSPERGER:** Do we have a
12 motion?

13 **MR. WORLEY:** I make a motion that we
14 bind over Willodeen James to the attorney general's
15 office for further action.

16 **MR. RAFFENSPERGER:** Do we have a
17 second?

18 **MRS. LE:** I'll second that.

19 **MR. RAFFENSPERGER:** I have a second.
20 Is there discussion on the motion?

21 (no response)

22 **MR. RAFFENSPERGER:** Not hearing any, I
23 call the question. All those in favor of binding this
24 over to the attorney general's office as a continuing
25 motion for Case Number 2016-014, Glynn County, please

1 do so by signifying aye.

2 **THE BOARD MEMBERS:** Aye.

3 **MR. RAFFENSPERGER:** Any opposed?

4 (no response)

5 **MR. RAFFENSPERGER:** Motion carries.

6 **MS. WATSON:** The next case is Tab 68,
7 2016-052, Gwinnett County, districting issues, the
8 seat for Georgia Senate District 5 held by Senator
9 Curt Thompson.

10 Senator Thompson challenged the
11 qualifications of Artur Bumburyak to oppose Senator
12 Thompson in the May 24, 2016 general primary based
13 upon the opponent's eligibility for candidacy
14 regarding the residency requirement.

15 Senator Thompson contended that
16 Mr. Bumburyak has not resided in District 5 for the
17 prescribed period of one year prior to the election to
18 office. Senator Thompson filed a petition with the
19 office of state administrative hearings to challenge
20 Mr. Bumburyak's eligibility to run for state office
21 based on Mr. Bumburyak's having not resided in
22 District 5 for the period of one year prior to
23 election to office.

24 The hearing was scheduled for April 7,
25 2016 and Mr. Bumburyak did not appear. The judge gave

1 him until four on the date of the hearing to provide
2 documentation that he met residency requirements and
3 no documentation was provided.

4 The OSAH judge, Michael Malihi, deemed
5 Mr.~Bumburyak was not qualified to be a candidate for
6 the District 5 seat due to his failing to establish
7 eligibility. The address provided in the affidavit
8 and declaration of candidacy was 2156 Old Camp Circle,
9 however the property records show the property owned
10 by Mr. Bumburyak to be 2176 Old Camp Circle which is
11 in District 55, not District 5.

12 We recommend that Artur N. Bumburyak be
13 bound over to the AG's office for 21-2-565(a), making
14 of false statements, and dismiss the -- a
15 recommendation of 21-2-5(a), qualification of
16 candidates, as that was handled at the OSAH hearing.

17 **MR. RAFFENSPERGER:** Okay, thank you
18 very much. Any questions?

19 (no response)

20 **MR. RAFFENSPERGER:** Do we have a
21 motion?

22 **MRS. LE:** I have a question.

23 **MR. RAFFENSPERGER:** Okay. Mrs. Le.

24 **MRS. LE:** So is there -- Mr. Bumburyak
25 stated that he wasn't aware, he was confused. Or did

1 he know that -- I think 565(a) -- 21-2-565(a) talks
2 about "knowingly." Do you have any more facts as to
3 that, other than that he stated he wasn't aware, he
4 was confused?

5 **MS. WATSON:** I don't -- let me check
6 the file so I can make sure that we have the -- I'm
7 not sure that he provided us with a statement
8 (reviewing).

9 It does state that he -- he stated he
10 was confused at the time of his filing, that he
11 believed his residence to be in Senate District 5 when
12 in actuality the residence was in District 55.

13 **MRS. LE:** Though these districts are
14 nine miles apart?

15 **MS. WATSON:** Yes.

16 **MS. SULLIVAN:** And the respondent was
17 given notice that he could attend this meeting today?

18 **MS. WATSON:** Yes.

19 **MS. SULLIVAN:** I'll make a motion that
20 we bind over -- is this appropriate for a motion?

21 **MR. RAFFENSPERGER:** Yes, it is for a
22 motion.

23 **MS. SULLIVAN:** We bind over this case
24 for (indiscernible) the violation of 21-2-565(a) and
25 dismiss the other potential violation regarding

1 21-2-5(a) .

2 **MS. WATSON:** That --

3 **MS. SULLIVAN:** Is that the
4 recommendation?

5 **MS. WATSON:** It --

6 **MS. SULLIVAN:** The other way around
7 then. Let me restate the motion. Sorry, I got
8 confused on my statutory references. So bind over in
9 the case on 21-2-5(a) and dismiss the allegation
10 regarding 21-2-565(a). Is that correct?

11 **MS. WATSON:** Your recommendation is to
12 bind over 21-2-565(a) and not 21-2-5(a).

13 **MS. SULLIVAN:** Oh, that was what I said
14 the first time. That's what I said the first time. I
15 renew my initial motion.

16 **MR. WORLEY:** Second.

17 **MR. RAFFENSPERGER:** Second. We have a
18 second. Is there any discussion on the motion?

19 (no response)

20 **MR. RAFFENSPERGER:** Not hearing any,
21 all those in favor of the motion before us for
22 2016-052 signify by saying aye.

23 **THE BOARD MEMBERS:** Aye.

24 **MR. RAFFENSPERGER:** Any of those that
25 are opposed?

1 (no response)

2 **MR. RAFFENSPERGER:** Not hearing any,
3 the motion carries. Okay.

4 We are now ready for the attorney
5 general reports, and four cases in consent orders and
6 two in dismissals.

7 Does the attorney general want to add
8 anything to these cases before we --

9 **MR. WILLARD:** If the board has any
10 questions, I'll be happy to respond, but otherwise I'd
11 ask you to enforce the order.

12 **MR. RAFFENSPERGER:** Do we want to pull
13 any of these cases or move forward with them all on
14 the block?

15 (no response)

16 **MR. RAFFENSPERGER:** On the block, do we
17 have a motion?

18 **MS. SULLIVAN:** I'll move we accept the
19 attorney general reports on the consent orders listed:
20 2014-30, 2014-79, 2015-72, 2015-82, and accept the
21 recommendation of dismissals in case number 2016-77
22 and 2014-49.

23 **MR. WORLEY:** I'll second that motion.

24 **MR. RAFFENSPERGER:** Do we have any
25 discussion?

1 (no response)

2 **MR. RAFFENSPERGER:** Not hearing any,
3 all those in favor of the motion that's before you
4 please vote aye.

5 **THE BOARD MEMBERS:** Aye.

6 **MR. RAFFENSPERGER:** Any opposed?

7 (no response)

8 **MR. RAFFENSPERGER:** Not hearing any,
9 there's a motion -- that motion carries.

10 **MS. SULLIVAN:** Thank you.

11 **MR. RAFFENSPERGER:** Yes.

12 Okay. I don't believe there's any
13 other business before us today. That being the case,
14 do we have a motion to adjourn?

15 **MR. WORLEY:** So moved.

16 **MR. RAFFENSPERGER:** Is there a second?

17 **MRS. LE:** Second.

18 **MR. RAFFENSPERGER:** All those in favor?

19 **THE BOARD MEMBERS:** Aye.

20 **MR. RAFFENSPERGER:** We are adjourned.

21 Thank you very much for being here today. Thank you,
22 fellow board members. I appreciate all the help you
23 have given us in this first (indiscernible).

24 (Adjourned at 1:57 p.m.)

25

CERTIFICATE

STATE OF GEORGIA
COUNTY OF DEKALB

)
)

I, Mary K. McMahan, Certified Court Reporter in and for the State of Georgia at large, certify that the foregoing pages, 4 through 176, line number 24, constitute, to the best of my ability, a complete and accurate transcription of the proceedings and were accurately reported and transcribed by me or under my direction.

I further certify that I am neither related to or counsel to any of the parties herein; nor have any interest in the outcome of the above-styled proceedings.

This certification is expressly denied upon the disassembly and/or photocopying of the foregoing transcript, or any portion thereof, unless such disassembly/photocopying is done by the undersigned and original signature and official seal are attached thereon.

WITNESS my electronic signature
this the 2nd of July, 2019.

Mary K McMahan

Mary K. McMahan
Certificate No. 2757